

**PLANNING APPEAL DECISION**

**Lead Officer:** Tony Pomfret – Development Services Manager

**To inform Members of a recent appeal decision in respect of an outline application for a dormer bungalow on land at Castle View, Common End, Distington.**

**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 at the above site was refused on 13 September 2006 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 Policy HSG 5 of the adopted Copeland Local Plan 2001-2016”.

1.2 A subsequent appeal against this decision has been DISMISSED.

1.3 A copy of the Inspector's decision letter is appended to this report.

**Contact Officer:** Rachel Carrol – Planning Officer

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



# Appeal Decision

Site visit made on 5 March 2007

by Julie Dale Clark BA (Hons) DpTRP MCD DMS MRTPI

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

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Date: 23 March 2007

Appeal Ref: APP/Z0923/A/06/2027712

Castle View, Common End, Distington CA14 5YA

- 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 C D Hunter against the decision of Copeland Borough Council.
- The application (Ref 4/06/2527/001), dated 20 July 2006, was refused by notice dated 13 September 2006.
- The development proposed is a dormer bungalow.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. This is an outline application with siting, design, external appearance, means of access and landscaping reserved for later determination.
2. Although the appeal site is described as Castle View it comprises a piece of land adjacent to Melrose, adjoining the A595, Common End, Distington.

## Main Issue

3. I consider that the main issue is the effect of a dormer bungalow on the countryside setting.

## Planning Policy

4. The development plan includes the Copeland Local Plan 2001-2016 2<sup>nd</sup> Deposit Version, adopted in June 2006. The most relevant policies are DEV 4 and HSG 5. Dev 4 indicates that development boundaries have been drawn around each Key Service Centre and Local Centre as shown on the Proposals Map. The boundaries indicate a physical limit to development over the plan period. HSG 5 establishes that outside the settlement boundaries defined by policy DEV 4 new housing development will not be permitted except where it is required to meet exceptional circumstances arising from local social and economic conditions.

## Reasons

5. The appeal site lies to the south of Distington Local Centre. The settlement boundary includes the houses opposite in Hayescastle Road, it runs along the main road (A595) adjacent to the north-western boundary of the appeal site and includes the built up area to the north-east of Brook House Nursery. Most of the nursery, Melrose and the appeal site lie outside the settlement boundary.

6. The appellants describe the site as waste land but previously occupied by dwellings. I noted that the site was overgrown but a stone wall adjacent to the road with a pedestrian opening indicated that buildings of some sort previously occupied the site. The Council acknowledge that the site was previously developed with its records indicating that a 1960 Ordnance Survey map shows the site developed.
7. The land rises fairly steeply from the road to the south-east. Melrose is in an elevated position but otherwise the land on the south-eastern side of this section of the A595 is largely undeveloped. Limited information has been submitted regarding previous buildings on the site but in my view, whilst the site is close to the boundary of the settlement, it is clearly outside of the main built up area on this side of the main road.
8. I have noted the circumstances put forward by the appellants and their mother. Whilst I understand the family's need for a new dwelling this does not overcome the policy position in relation to building outside the settlement. Whilst no details of the proposed dwelling are included with this application, the site is in a prominent position and due to the rising land levels a new dwelling would be visually prominent in this rural setting. On this basis I conclude that a dormer bungalow would have a harmful effect on this countryside setting, contrary to Local Plan policy HSG 5.

#### **Conclusion**

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

#### **Formal Decision**

10. I dismiss the appeal.

*J D Clark*

INSPECTOR