

PLANNING APPEAL DECISION

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

To inform Members of a recent appeal decision at Duddon Youth Hostel, Borwick Rails, Millom.

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 Duddon Youth Hostel, Borwick Rails, Millom**

1.1.1 An application for planning permission for a replacement private dwelling was refused on 17 May 2007 for the following reasons:-

1. The applicant has failed to demonstrate that the existing Youth Hostel use is no longer viable. The loss of this social/tourism facility would be at variance with Policy SVC 12 of the adopted Copeland Local Plan 2001-2016
2. The site lies within a wider area of previously developed land designated as an Employment Opportunity Site where private housing development unrelated to any site specific local need would be unacceptable and at variance with Policy EMP 7 of the adopted Copeland Plan 2001-2016.
3. The application site is adjacent to land which forms part of the Duddon Valley Estuary SPA and Ramsar site and Morecambe Bay SAC. The application fails to demonstrate that the proposed development will not have a significant effect on the European site and Natural England object to the proposal accordingly.

1.1.2 A subsequent appeal against this decision has been ALLOWED. A copy of the Inspector's decision letter is appended to this report.

Contact Officer: **Simon Blacker, Planning Officer**

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



Appeal Decision

Site visit made on 15 April 2008

by **Brendan Lyons** BArch MA MRTPI IHBC

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

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Decision date:
9 June 2008

Appeal Ref: APP/Z0923/A/08/2062830

Duddon Youth Hostel, Borwick Rails, Millom, Cumbria LA18 4JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr David Friend against the decision of Copeland Borough Council.
- The application Ref 4/07/2362/0, dated 17 May 2007, was refused by notice dated 25 July 2007.
- The development proposed is a replacement private dwelling on Youth Hostel site.

Decision

1. I allow the appeal, and grant planning permission for a replacement private dwelling on Youth Hostel site at Duddon Youth Hostel, Borwick Rails, Millom, Cumbria LA18 4JU in accordance with the terms of the application, Ref 4/07/2362/0, dated 17 May 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; vehicle access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. refuse or other storage units); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc); retained landscape features and new planting.
 - 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for the protection of natterjack toads, to be based on the recommendations set out in the letter dated 26 July 2007 from Natural England to the local planning authority. The scheme shall include measures for the sealing and inspection of all excavations, the storage and movement of materials

and action to be taken in the event of the discovery of natterjack toads in the course of development.

Main issues

2. I consider the main issues in this appeal to be:
- the loss of the social facility of the youth hostel;
 - the suitability of the site for housing development, with regard to the need for employment land; and
 - the effect on nature conservation, particularly on the adjoining Duddon Estuary Special Protection Area (SPA) and Ramsar site and the Morecambe Bay Special Area of Conservation (SAC).

Reasons

3. The appeal site lies on the estuary shore. It is proposed to replace the existing youth hostel block and linked manager's cottage with a two-storey house built off the same footprint.
4. The appellant states that the youth hostel has been closed as it was no longer viable. This is disputed by some third parties, including a former charitable owner, who are concerned at the loss of a tourism facility. The Council supports this view and refers to policy SVC 12 of the Copeland Local Plan 2001-2016 (LP).
5. This policy relates to the loss of an existing social or community facility. I agree with the appellant that it is not relevant to the appeal proposal. The policy does not define what exact range of facilities it seeks to protect. However, its justification refers to the focus of neighbourhood and village life provided by facilities such as pubs, cafes and shops. The loss of public halls, churches, schools, libraries, health facilities and post offices is also to be resisted.
6. Although the facilities listed would belong to a number of planning use classes, they would all have a common role in providing a service to local people. The youth hostel is a form of visitor accommodation. It would not be used by local people and, other than any economic benefit received from visitors, its loss would not be harmful to local community life. The policy does not relate to economic benefit and no other policy has been cited by the Council.
7. The former owner draws attention to the value of the hostel as an education and accommodation base in scenic surroundings, which inspired its original foundation. Even if this wider social value were seen as relevant to the policy, which I do not believe it is, the policy would still require that there should be continuing demand for the facility. The Council has not produced any evidence of demand that would counter the appellant's statement of the viability problems faced by the hostel. The former owner's reported interest of another third party in acquiring the hostel as a going concern is vague, and does not provide any material planning evidence.
8. I conclude that the loss of the youth hostel would not be contrary to the development plan.

9. The Council's second reason for refusal states that the site lies within an area designated as an Employment Opportunity site. However, this designation appears to relate to a previous plan. The Council has since confirmed that the site is not covered by any employment allocation in the current LP. The reason for refusal relies on LP Policy EMP7, but this relates only to land or premises currently or last in employment use. I agree with the appellant that the current use of the site for serviced tourist accommodation would not comprise an employment use, and that the policy is therefore not relevant to the appeal proposal.
10. I note that serviced land close to the site previously allocated for employment has been allocated in the new LP for housing development. The appellant has also drawn my attention to a smaller site very close to the appeal site, which was formerly in employment use, where residential development has recently been supported by the Council. It appears that there is no over-riding pressure to retain land for employment purposes.
11. The site itself is unallocated in the adopted LP. The Council confirms that it lies within the settlement boundary. It is previously developed land. As such, although it is mainly surrounded by employment uses, I see no policy objection in principle to its development as a single dwellinghouse.
12. The third reason for refusal was on the grounds of potential adverse effect on the adjoining Duddon Estuary SPA and Ramsar site and Morecambe Bay SAC. However, the Council confirms that Natural England has now withdrawn its earlier objection in principle. From this I conclude that there should not be a significant effect on these international sites and that the proposal would comply with LP Policy ENV 1.
13. The impact from a single house on the adjoining Site of Special Scientific Interest and designated Local Nature Reserve should be less than that of the hostel when fully occupied. Natural England has proposed measures to ensure the protection of natterjack toads during construction. Subject to these, I conclude that the proposal would not result in harmful effects on the designated areas and would comply with LP Policies ENV 2, ENV 3, ENV 4 and ENV 5.
14. The Council raises no objection to the appearance of the proposed house, which would be of a strikingly contemporary design, prominently located at the water's edge. I am satisfied that the proposal would contribute to creating a strong sense of place, as required by LP Policy DEV 6. The nearby Duddon Villa provides a good precedent for a freestanding house of individual design in this location.
15. The Council has not put forward any conditions to be attached in the event of the appeal being allowed. A condition to secure the protection of natterjack toads would be reasonable and necessary in the interests of conserving a protected species, and could be worded to reflect guidance in Circular 11/95 more closely than the form suggested by Natural England. The agreement of proposed materials and the landscaping of the site are necessary to ensure the character and appearance of the area is respected and enhanced.

16. Having taken all matters raised into account, I conclude that the appeal should be allowed and planning permission granted subject to conditions.

Brendan Lyons

INSPECTOR