

## PLANNING APPEAL DECISION

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

<b>To inform Members of a recent appeal decision at Steel Green, Millom</b>
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**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 An application for outline planning permission for one dwelling on land adjacent to Steel Green House, Millom was refused on 16 August 2006 for the following reason:-

“The site lies outside any settlement boundaries identified in the adopted Copeland Local Plan 2001-2016 and, as such, there is a strong policy presumption against allowing new residential development unless there is a demonstrable local need. The local need case put forward in support of the application is not considered to outweigh the policy presumption against new housing development in this location as the nearby urban areas of Haverigg and Millom offer a good supply of properties for sale. The proposal, therefore, is deemed to be at variance with Policy HSG 5 of the adopted Copeland Plan 2001-2016.”

1.2 A subsequent appeal against this decision has been DISMISSED.

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

**Background Papers:** A copy of the Inspector's decision letter is appended to this report



# Appeal Decision

Site visit made on 30 May 2007

by **Graham E Snowdon** BA BPhil DipMgmt MRTPI

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

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Date: 5 June 2007

**Appeal Ref: APP/Z0923/A/07/2036481**

**Land adjacent to Steel Green House, Steel Green, Millom, Cumbria LA18 4LG**

- 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 Mrs L Cuthbert against the decision of Copeland District Council.
- The application ref: 4/06/2447/0 dated 28 May 2006, was refused by notice dated 16 August 2006.
- The development proposed is the erection of a single dwelling.

## Decision

1. The appeal is dismissed.

## Reasons

2. The application is submitted in outline form, with design, external appearance and landscaping reserved for future approval. The application originally sought permission for two dwellings, but, by letter dated 14 July 2006, this was amended to one dwelling. The appeal documents confirm that the single dwelling, in respect of which permission is sought, is the more northerly of the dwelling footprints, shown on the submitted plan. I have determined the appeal on this basis.
3. The development plan includes the Copeland Local Plan 2001-2016 (Local Plan) and, in its reason for refusal, the Council cites Policy HSG5, which states that housing development will not be permitted outside settlement boundaries as shown on the Proposals Map, "except where it is required to meet exceptional circumstances arising from local social and economic conditions".
4. In deciding this case, I am required by law to determine the appeal in accordance with the development plan, unless material considerations indicate otherwise. The appeal site is some distance outside the defined settlement boundaries of both Millom and Haverigg and there is, therefore, a presumption against residential development here unless exceptional circumstances exist.
5. The proposed dwelling is intended for occupation by the appellant's son, who is currently site manager for the adjacent caravan site and occupies a caravan on that site. It is claimed that he is required to be on call 24 hours a day to deal with emergencies as they arise and support for this comes from the site owner. However, no information (for example in terms of security or site occupants' welfare) is provided to show why this service has, of necessity, to be provided on site. Indeed, the site manager also manages the similar Butterflowers site, which is some distance away to the west. There is also no evidence before me of lack of suitable permanent accommodation, within walking

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distance of the site and I am informed that a new development of 80 houses within the settlement boundaries of Haverigg has recently received planning permission.

6. In further support of the “exceptional circumstances” which exist, the appellant argues that the appeal site constitutes “previously-developed land”, but this is disputed by the Council, who claim that the site does not form part of the domestic curtilage of Steel Green House. There is insufficient information before me to make a determination on this matter, but I am of the view that this is not a decisive consideration in the present case.
7. I am not satisfied that a case has been made out for departing from the provisions of the development plan in this instance. Even had exceptional circumstances been made out, Policy HSG5 goes on to state that development should, among other things, be sited to minimise visual impact, incorporate traditional elements in its design and not have an adverse effect on areas of greenspace which have an important recreation or amenity value to the local community.
8. The appeal site comprises an enclosed area of grassland, which provides the setting for Steel Green House, an attractive stone built, former Mine Managers house, which forms a traditional group with the neighbouring properties to the west. In my view, the proposed dwelling would be sited so as to adversely affect the setting of this group of buildings as well as involving the loss of an attractive open green area. It would not, therefore, meet the criteria set out in Policy HSG5 and this further reinforces my view that the development would be unacceptable.

*G. E. Snowdon*

INSPECTOR