

**PLANNING APPEAL DECISION****Lead Officer:** Tony Pomfret – Development Control Manager**To inform Members of a recent appeal decision in respect of a site to the rear of Santana Villa, Crossfield Road, Cleator Moor.****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 for the erection of four dwellings with details (reserved matters) for plot layout and new access and the erection of a new garage to serve the existing bungalow was refused on 1 May 2008 for the following reason:-

"The proposal represents non-essential development on greenfield land. Furthermore, by virtue of its location and layout to the rear of an established road frontage development with shared access facilities, the development would be out of character with the locality and adversely impact on the amenities of existing residential properties in terms of overlooking and loss of privacy and, as such, is at variance with Policies DEV 4, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016, together with Planning Policy Statement (PPS) 3 "Housing".

1.2 A subsequent appeal against the decision has been DISMISSED. The Inspector concluded that the use of this greenfield, windfall site for residential development cannot be justified with regard to PPS 3, and Policies DEV 4 and HSG 4 of the Copeland Local Plan.

**Contact Officer:** Rachel Carrol, Planning Officer**Background Papers:** A copy of the Inspector's decision letter is appended

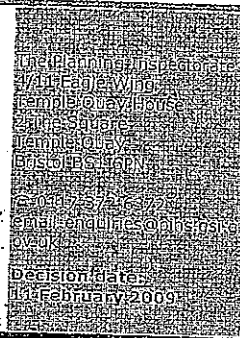


# Appeal Decision

Site visit made on 27 January 2009

by **Anthony Lyman** BSc(Hons) DipTP  
MRTPI

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



**Appeal Ref: APP/Z0923/A/08/2088176**

**Land to the rear of Santana Villa; Crossfield Road, Cleator Moor, Cumbria,  
CA25 5BY**

- 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 Mrs Tina Jaques against the decision of Copeland Borough Council.
- The application Ref 4/08/2134/0, dated 18 March 2008, was refused by notice dated 1 May 2008.
- The development proposed is an entrance, access way and plot layout and new garage for existing bungalow.

## Decision

1. I dismiss the appeal.

## Procedural matters

2. The above description of the proposal is taken from the application form. However, the Council described the proposal as the erection of four dwellings with details (reserved matters) for plot layout and new access, new garage for existing bungalow. This is a more accurate description to which I will have regard in determining this appeal.
3. The application is made in outline with all matters, except access and layout, reserved for future determination.

## Main issues

4. I consider that the main issues relating to this appeal are, i) whether the proposed site is, in principle, a suitable location for residential development, ii) the effect of the proposed development on the character and appearance of the locality and the street scene, iii) the effect of the proposal on the living conditions of neighbouring residents.

## Reasons

### *The principle of development*

5. The appeal site is a field to the rear of properties which front onto Crossfield Road, Cleator Moor with access via a wide drive alongside Santana Villa. On a small part of the appeal site, closest to the appellant's dwelling, there is a large garage and rough hardstanding used in connection with the appellant's

business. Most of the rear garden to the appellant's dwelling is also included within the appeal site although it forms only a small percentage of the total site. The proposal would involve the demolition of the existing garage and the erection of a new one on the rear garden behind Santana Villa. The drive would then be extended into the field to serve four detached dwellings the curtilages of which would all be within the field boundary.

6. The land lies within the settlement boundary of Cleator Moor as defined in the Copeland Local Plan 2001-2016 (CLP). Policy DEV 4 of the CLP states that settlement boundaries indicate a physical limit to development appropriate over the plan period, i.e. up to 2016. However, reflecting the provisions of Planning Policy Statement 3 – Housing, the policy also sets a priority order for developing sites starting with the re-use of existing buildings followed by the re-use of previously developed land. *Only then* the policy states, will the use of previously undeveloped land be allowed. Policy HSG 4 of the CLP permits the use of previously developed land for housing within the defined limits of settlements. The preceding text states that windfall sites within development boundaries, will only involve previously developed land and buildings and that no greenfield alternatives will be permitted under the windfall provisions.
7. With the exception of the small area occupied by the garage and the garden, the appeal site is clearly greenfield land. The site has no allocation in the CLP and would therefore be considered a windfall site. It is evident that there are a number of allocated housing sites within Cleator Moor including brownfield sites with extant permissions which, in accordance with Policy Dev 4, should be developed before greenfield sites. Therefore, I conclude on this issue that the appeal site would not, in principle, be an appropriate location for housing, as its use for this purpose would be contrary to the provisions of PPS 3 and Policies Dev 4 and HSG 4 of the CLP.

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#### *Character and appearance*

8. Crossfield Road has the appearance of typical ribbon development extending from Cleator Moor. The Council consider that the proposal would be backland development which would *disturb the character of Crossfield Road which is linear in nature*. Whilst I accept that the housing would be backland development, it would not be readily visible from the road. Therefore, I consider that the appearance of the Crossfield Road would not be significantly harmed. I attach little weight to this argument especially as this field has been included within the settlement boundary and having regard to the wording of Policy Dev 4.

#### *Living conditions of neighbours*

9. Although the site is described as land to the rear of Santana Villa, the field in which the four houses would be built is to the rear of two neighbouring bungalows. The proposed houses would have no visual impact on the appellant's property. The proposed layout of plot one would bring parts of the dwelling within about 18.5m of 'Springvale', one of the two existing bungalows. Policy HSG 8 of the CLP requires a minimum distance of 21m between face elevations containing windows of habitable rooms. However, as I have no details of the internal layout of the proposed houses it is not possible to

determine whether windows to habitable rooms would be affected. Therefore, I can attach little weight to this issue.

**Conclusion**

10. Overall, I conclude that the use of this greenfield, windfall site for residential development cannot be justified with regard to PPS 3, and Policies Dev 4 and HSG 4 of the CLP. Therefore, for the reasons given and having considered all other matters raised, I dismiss the appeal.

*Anthony Lyman*

INSPECTOR