

PLANNING APPEAL DECISION

Lead Officer: Heather Morrison – Senior Development Control Officer

To inform Members of a recent appeal decision in respect of a site at Linethwaite, St Bees, Cumbria

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 a new agricultural dwelling and a storage / livestock building on a greenfield site located opposite the hamlet Linethwaite, near St Bees was refused on 13 October 2011 for the following reason:-

"In the absence of proven agricultural need, given the presence of a Grade II listed farmhouse at Scalegill Hall, albeit presently in a poor state of repair, the proposed new dwelling on this greenfield site constitutes non essential development in the countryside contrary to Policies DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001-2016 (Saved Policies June 2009) and guidance contained in Planning Policy Statement 7 "Sustainable Development in Rural Areas".

1.2 A subsequent appeal against the decision has been DISMISSED.

1.3 The Inspector concludes that an essential need for a new dwelling has not been demonstrated and that the need for a dwelling could be met by the existing house within the farm's control. He also considers that the condition of the existing listed farmhouse and the need to invest in it need not prevent it from being used in connection with the farm business in the future.

Contact Officer: Heather Morrison – Senior Development Control Officer

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



Appeal Decision

Hearing held on 25 July 2012

Site visit made on 25 July 2012

by **Peter Willows BA DipUED MRTPI**

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

Decision date: 18 September 2012

Appeal Ref: APP/Z0923/A/12/2174285

A595, St Bees, CA24 3JY

- 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 Thomsen Estates against the decision of Copeland Borough Council.
 - The application Ref 4/11/2298/001, dated 15 June 2011, was refused by notice dated 13 October 2011.
 - The development proposed is described as 'agricultural dwelling and additional building for animal welfare and storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission, with all matters of detail reserved for future consideration.

Main Issues

3. The main issues are:
 - Whether there is an essential need for the proposed dwelling in connection with the established farm business, having regard to the existing farmhouse at Scalegill Hall; and
 - Whether the proposed development would contribute to the likely demise of the existing, listed farmhouse.

Reasons

Background

4. The appellant runs a farm which focuses on the production of beef and lamb. The land holding is split. The appellant advises that about 17 acres (7 ha) is to the east of the A595, a very busy trunk road. A farmstead, complete with a farmhouse, the Grade II listed Scalegill Hall, is located with this land. The farmstead includes a range of buildings in various states of repair. The house, however, has been unoccupied for many years and is boarded up.

5. The bulk of the appellant's land, over 200 acres (81ha), is located in a block to the other side of the main road. Additionally, the farm controls various other pieces of land, further away.
6. The appeal site is part of a field within open countryside, being part of the appellant's land to the west of the main road. National and local policies are aligned in seeking to prevent isolated new dwellings within the countryside without a clear justification. Additionally, the appeal site falls within an area identified as Landscape of County Importance in the adopted Copeland Local Plan 2001-2016, wherein the Council seeks to protect the quality and character of the landscape. Accordingly, while the Council raises no specific objection to the proposed farm building, it is clear that a new dwelling should not be permitted in this location without clear justification.

Need

7. There is agreement that, in view of the size and nature of the business, there is an essential need for one agricultural worker's dwelling. Additionally, the appellant explains that the current farm manager, who has his own house nearby, will retire soon and a dwelling would be expected by any replacement manager. I have no reason to come to any different view. The Council says, however, that the existing property, Scalegill Hall, could fulfil that need.
8. Quite clearly, Scalegill Hall is incapable of being occupied at present. It has been unoccupied for many years, is boarded up, has significant damage to the floors and ceilings and is set amongst over-grown land and tumble-down buildings.
9. Yet I have no structural survey or other evidence to show that the building has serious underlying structural defects. While bringing it back into use would clearly be costly, I have nothing to suggest that it would be more expensive than building a new dwelling.
10. The Local Plan includes Scalegill Hall and the farmstead within an employment land allocation, designed to allow for the possible expansion of the adjacent Westlakes Science and Technology Park. The appellant argues that this makes the future of the building uncertain, and has resulted in a reluctance to invest in it. However, it seems to me that the sale of the building or land in connection with the science and technology park is a matter within the appellant's control. At the hearing, neither party was aware of any likelihood of any organisation using compulsory purchase powers to acquire the property. Indeed, there is nothing to indicate that the science and technology park has any immediate need to expand in that direction.
11. For these reasons I conclude that the condition of the building and the need to invest in it need not prevent it from being used in connection with the farm business in the future.
12. The appellant also argues that the location of Scalegill Hall with only a small part of the landholding, severed from the bulk of the land by the A595, means that, even if the building were in a habitable condition, it would still not meet the current needs of the farm. Animals need to be brought back to the farm buildings for reasons such as calving and lambing, vets' visits and some over-wintering. It is argued that the time, difficulty and hazards of loading the animals into vehicles and transporting them to the existing farm buildings

points to the need to relocate the hub of the farm. It is no longer feasible or safe to herd the animals across the main road.

13. However, the National Planning Policy Framework (the Framework) makes clear that isolated new homes in the countryside should be avoided unless there are special circumstances such as an essential need for a rural worker to live permanently at or near their place of work in the countryside. While I have no doubt regarding the difficulties the appellant highlights, the information before me does not show that it amounts to an essential need. Although it is clear that the movement of the animals is a burden, it does not appear to me that it dominates the running of the farm as it might in the case of, for example, a dairy operation, where the animals would need to be brought to the buildings very frequently for milking.
14. Moreover, the farm has run for many years without a dwelling or farm building in this location. This suggests to me that the proposed dwelling would be desirable rather than essential. While farming practices and legislation have clearly changed over the years, I have no evidence to show that any such changes have led to an essential need for a new farmhouse as proposed. A report by Cumbria County Council for the Borough Council advises that a good number of farms within the County face similar problems and manage to operate the business successfully. I have no reason to doubt that this is so. Even if the split of the land is particularly unfortunate in this case, the evidence before me does not show that it is so problematic as to make the proposed development essential.
15. I am also mindful that it would be open to the appellant to seek to construct a farm building on land at or near the appeal site without a dwelling in order to meet the operational needs of the farm and reduce the movement of animals. The Council has indicated that, in principle, it would not object to this. While I accept that this would be less satisfactory without a dwelling, which would improve security and allow supervision of the animals, that strikes me as being little different to the current situation at the existing farmstead, where the house is unoccupied.
16. The appellant argues that the development is necessary for improved animal welfare. However, I have no evidence that transporting the animals on an irregular basis as at present is harmful to them. There is already the opportunity to have someone living close to the existing farmstead using the existing dwelling, if that were necessary on welfare grounds. I have no substantive evidence to show that transporting the animals causes undue risk in terms of road safety, notwithstanding the very busy nature of the A595.
17. For these reasons I conclude that an essential need for the proposed new dwelling has not been demonstrated. The need that there is for a dwelling could be met by the existing house within the farm's control. Consequently, the proposal runs counter to Local Plan policies DEV5 (Development in the Countryside) and HSG5 (Housing Outside Settlement Development Boundaries). There would be conflict too with the similar aims of the Framework.

The listed farmhouse

18. The Council argues that a new farm dwelling would undermine any future need for Scalegill Hall and thus lead to its long term demise. However, I am not

persuaded that this fear is well founded. The building is listed and so afforded significant protection. Even if it were not needed by the appellant in connection with the farm, that does not mean that it could not be brought back into use as a dwelling or, perhaps, for some other use. Accordingly, this matter does not count against the proposal.

Other matters

19. Clearly, businesses such as this are important to the local economy, and I appreciate that such a business cannot stand still. However, in view of my findings regarding the need for a dwelling, I am not persuaded that the dismissal of the appeal would jeopardise the viability of the business. Consequently, while I am mindful of the support for development with economic benefits within the Framework, I attach only limited weight to this consideration.
20. While the appellant argues that the reduced need to move the animals would improve the sustainability of the operation, I have little objective evidence to show the extent of any improvement in that regard.

Conclusion

21. For the reasons set out above I conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR

