

**PLANNING APPEAL DECISIONS**

**Lead Officer: Tony Pomfret, Development Control Manager.**

**To inform Members of two recent planning appeal decisions at Dalelands, Sandwith and Grange Brow, Grange, Egremont.**

**Recommendation :**

That the decisions be noted in the context of development plan policies and also in relation to performance monitoring.

**Resource Implications : Nil.**

**1.0 Supporting Information :**

**1.1 Outline Application for a Detached Four Bedroom, Two Storey Dwelling in the garden to Dalelands, Sandwith.**

1.1.1 Outline planning permission for this building was refused in September last year on the grounds that it represented non-essential housing in a rural location contrary to Policies DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001 – 2016. A previous application for a dwelling on the site had been approved in 2005 when the site was situated within the settlement boundary of the village but was allowed to lapse. The status of the village was altered at the Second Deposit stage of the Local Plan when the settlement boundary was deleted. Sandwith is no longer a settlement and the appeal site is within open countryside.

1.1.3 The appeal has been DISMISSED. The Inspector considered that as no exceptional circumstances have been put forward the development would be contrary to Local Plan policy. She did not consider that the existence of a previous permission on the site carried sufficient weight to justify overriding the policies of the adopted local plan.

**1.2 Siting of a Mobile Home to be used as Holiday Lodge Accommodation at Grange Brow Farm, Grange, Egremont.**

1.2.1 A recent appeal has been DISMISSED following the refusal of planning permission in July 2008 for the above.

1.2.2 The Inspector considered that insufficient information had been submitted to justify the development on the grounds of holiday accommodation and as a result concluded that the development would be inappropriate in open countryside contrary to Local Plan policies DEV 5, HSG 5 & TSM 4.

**Contact Officer : Heather Morrison, Senior Planning Officer.**

**Background Papers : Copies of the Inspectors' appeal decision letters are appended to this report.**



# Appeal Decision

Site visit made on 22 April 2009

by **Kay Sheffield** BA(Hons) DipTP MRTPI

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

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Decision date:  
19 May 2009

**Appeal Ref: APP/Z0923/A/09/2093842**

**Dalelands, Sandwith, Whitehaven, Cumbria CA28 9UG**

- 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 Ralph Calvin against the decision of Copeland Borough Council.
- The application Ref 4/08/2376/0, dated 21 July 2008, was refused by notice dated 18 September 2008.
- The development proposed is the erection of a detached four bedroom house on two storeys with rooms in roof.

## Decision

1. I dismiss the appeal.

## Main issue

2. I consider the main issue of the case to be whether there is a need for a dwelling in this location sufficient to outweigh the aims of local and national policies that seek to restrict new development in the countryside.

## Reasons

3. The appeal site is located on the edge of the village of Sandwith and is currently in use as residential garden, forming part of the curtilage of Dalelands, a detached two storey dwelling. The application was submitted in outline but approval was sought of the access, layout and scale and I have determined the appeal on this basis.
4. In February 2005 the Council granted outline planning permission (App No: 4/04/2338/0) for a similar development on the site which was the subject of an agreement under Section 106 of the Town and Country Planning Act 1990. This agreement revoked planning permission granted in January 2002 for the conversion of a stone outbuilding to residential use (App No: 4/01/0559/OFI). Both of these permissions have now lapsed.
5. Although at the time of the 2005 permission the site lay within the settlement boundary of Sandwith, its status was altered with the adoption in June 2006 of the Copeland Local Plan 2001-2016 (LP) when the settlement boundary around the village was deleted from the LP. As Sandwith is no longer allocated as a settlement the appeal site is regarded as being within the countryside where there is a national and local presumption against the erection of new residential properties except where required to meet exceptional circumstances arising from local social and economic conditions which normally relate specifically to new housing in association with rural businesses and agriculture.

6. The appellant has not advanced any exceptional circumstances of this nature in support of the appeal but has indicated that the dwelling would be for the use of the land owner. However I do not consider that this is sufficient to constitute exceptional circumstances and I therefore consider that the development would be contrary to Policies DEV 5 and HSG 5 of the LP. The appellant has questioned the Council's reliance on Policy DEV 5 as he considers it refers to town centres, but I am satisfied that the copy of Policy DEV 5 submitted by the Council, entitled development in the countryside, is relevant to the appeal.
7. I sympathise with the appellant's argument that the only alteration to the proposals between the previous permission and the case before me is the deletion of the settlement boundary from around Sandwith. However this is a fundamental change in terms of planning policy and I do not consider that the existence of a previous permission on the site carries sufficient weight to justify overriding the policies of the adopted development plan.
8. For these reasons and, having had regard to all other matters raised, I conclude that the need for a dwelling in this location is not sufficient to outweigh the aims of local and national policies that seek to restrict new development in the countryside. I therefore dismiss the appeal.

*Kay Sheffield*

INSPECTOR



# Appeal Decision

Site visit made on 22 April 2009

by **Kay Sheffield** BA(Hons) DipTP MRTPI

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Decision date:  
18 May 2009

**Appeal Ref: APP/Z0923/A/08/2091998**

**Grange Brow Farm, Grange, Egremont, Cumbria CA22 2PG**

- 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 T Tyson against the decision of Copeland Borough Council.
- The application Ref 4/08/2287/0, dated 2 April 2008, was refused by notice dated 24 July 2008.
- The development proposed is the siting of mobile home to be used as holiday lodge accommodation.

## Decision

1. I dismiss the appeal.

## Main issues

2. I consider the main issue in this case to be whether there is a need for the holiday lodge sufficient to outweigh the aims of local planning policies that seek to restrict new development in the countryside.

## Reasons

3. The appeal site forms part of a cluster of buildings comprising a detached former farmhouse and barn which has been converted into a dwelling together with a recording studio and an attached residential extension. The site is elevated above the level of the highway and the land on which the mobile home would be sited is separated from the road by an existing detached property "Rhovanion", although trees planted along the boundary between the two sites provide screening.
4. The appellant has indicated that there is a lack of suitable accommodation in the area for clients who use the recording facilities provided by his business, "The Music Farm" and that the self catering accommodation which would be provided by the mobile home would be for the use of his business clients and would also provide holiday accommodation alongside the recording facility. At the time of the planning application the farmhouse was in the appellant's ownership but has subsequently been sold and is therefore not available as an alternative source of accommodation.
5. Policy DEV 5 of the Copeland Local Plan 2001-2016, June 2006 (LP) allows development in the countryside for leisure or tourism related development subject to compliance with other policies in the plan. The appellant has drawn my attention to Policy TSM 4 of the LP which relates specifically to sites for holiday caravans, chalets and camping. It permits such development subject to compliance with Policy DEV 6 and a number of criteria, those relevant to the

appeal being that the site is well related to an existing settlement and the main highway network and that a high level of natural screening is present and is capable of reinforcement and extension.

6. The Council does not consider Policy TSM 4 to be relevant to the appeal as it does not relate to individual chalets and states that there are no policies in the LP which support the siting of individual chalets for the provision of holiday accommodation. However neither the wording of Policy TSM 4 nor the written justification exclude sites for individual caravans or chalets and I therefore consider it to be relevant to the appeal.
7. No information has been submitted in relation to the demand for the accommodation from business clients or to clarify the basis on which the recording facilities are used and whether or not they are or might form a tourist related activity. Therefore, from the information before me I am of the opinion that the primary aim of the development would be to sustain the existing business by expanding the facilities it could provide to its clients using the recording facilities and that the provision of accommodation for tourists would be secondary to this.
8. Whilst the provision of holiday accommodation might be acceptable in this location I consider that insufficient information has been submitted to justify the development on the grounds of holiday accommodation. As I am unable to reach a firm conclusion on the basis of the evidence before me I must conclude that the development would be inappropriate in the open countryside, contrary to Policies DEV 5, HSG 5 and TSM 4 of the LP.
9. I note that the appellant has made reference to the contribution the development would make to the local economy as the accommodation would not only add to the sustainability of the existing business but would help in its diversification. Whilst I accept that employment diversification which helps maintain viable and sustainable communities should be encouraged I have no information before me which justifies the development on this basis and whilst reference has been made to regional and local policies detailed reference to specific policies which might lend support to the proposals has not been submitted.
10. For the reasons given above and, having had regard to all other matters raised, I dismiss the appeal.

*Kay Sheffield*

INSPECTOR