

PLANNING APPEAL DECISION

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of a recent appeal decision at Former Miners Welfare Hall, Pica, Distington

Recommendation: That the decision be noted in the context of the Councils local plan policies and in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 Planning permission was refused for the erection of two dwellings on this site in August 2009 on the following grounds:-

“The proposed site is located outside any local centre in an unsustainable location. The North West of England Plan (Regional Spatial Strategy) and Copeland Local Plan policies state that residential development outside designated local centres will not normally be permitted unless it can be shown that it is essential to meet exceptional circumstances arising from local, social or economic conditions which would warrant the granting of planning permission. The Local Planning Authority does not consider that there are any exceptional circumstances in this case which would warrant the erection of an additional dwelling on this site. As a consequence this proposal would be contrary to the objectives of Government Policy set out in Planning Policy Statements 1 and 3, Policy RDF 2 of the North West of England Plan Regional Strategy to 2021 and Policies DEV 3, DEV 5 and HSG 5 of the adopted Copeland Local Plan 2001-2016.”

1.2 A recent appeal against this decision has been DISMISSED. The Inspector concurred with the Councils view that the proposal would conflict with both Government, Regional and Local Plan policies which seek to promote sustainable development. The site is not located within a settlement which is listed in the Local Plan as being suitable for new residential development. The Inspector considered that the proposal would be located in an unsustainable location and would be likely to be dependent on the use of the private car to access community facilities, jobs, services and infrastructure. He did not consider that there were any other circumstances which would be sufficient to outweigh the conflict with policies which seek to promote sustainable development.

1.3 A copy of the Inspectors appeal decision is attached.

Contact Officer: Nick Hayhurst – Senior Planning Officer

Background Papers: Planning application file ref 4/09/2314/0F1



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COPELAND BOROUGH COUNCIL
DEVELOPMENT CONTROL

12 MAY 2010

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RECEIVED

Ms R Carrol
Copeland Borough Council
Development & Environment
Council Offices
Catherine Street
Whitehaven
Cumbria
CA28 7NY

Your Ref: 4/09/2314/0

Our Ref: APP/Z0923/A/09/2118925/NWF

Date: 11 May 2010

Dear Ms Carrol

**Town and Country Planning Act 1990
Appeal by KMS Developments
Site at Pica, Distington, CA14 4JZ**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

James Bunten

COVERDL1





Appeal Decision

Site visit made on 29 March 2010

by **Richard McCoy** BSc, MSc, DipTP,
MRTPI, IHBC

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

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Decision date:
11 May 2010

Appeal Ref: APP/Z0923/A/09/2118925

Former Miners' Welfare Hall, Pica, Distington, Cumbria, CA14 4QE

- 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 KMS Developments against the decision of Copeland Borough Council.
- The application Ref 4/09/2314/0, dated 7 July 2009, was refused by notice dated 20 August 2009.
- The development proposed is the erection of 2 dwellings.

Decision

1. I dismiss the appeal.

Main issue

2. I consider the main issue to be whether the proposal conflicts with policies which seek to promote sustainable development.

Reasons

3. The appeal site stands on the edge of Pica, opposite a bungalow and commercial garage. It is detached from the main built up part of the village and contains a building which is in a poor state of repair. Proposed is the replacement of the existing building with 2 No. dwellings.
4. Pica is a small village which is not identified as a key or local service centre for the purposes of Policy RDF2 of the North West of England Plan, Regional Spatial Strategy to 2021 (RSS), September 2008. Saved Policy DEV 5 of the Copeland Local Plan 2001-2016, adopted June 2006 (LP) states that housing development outside key or local service centres will only be permitted where proposals can demonstrate an essential, overriding need related to agricultural, forestry or rural business needs as well as affordable housing need. No such need is claimed in this instance.
5. Although LP Policy DEV 5 pre-dates the RSS, I consider it accords with the thrust of that document and the advice in Planning Policy Statement 1; *Delivering Sustainable Development* (PPS1), Planning Policy Statement 3; *Housing* (PPS3) and Planning Policy Statement 7; *Sustainable Development in Rural Areas*. These documents advise that sustainable development is the core principle underpinning planning, and housing should be developed in suitable locations which offer a range of community facilities with good access to jobs, key services and infrastructure.

6. I consider that the proposal would be located in an unsustainable location and would be likely to be dependant on the use of the private car to access community facilities, jobs, services and infrastructure. Accordingly, the proposal would conflict with the advice in PPS1 and PPS3, and would be at odds with RSS Policy RDF2 and LP Policies HSG 5 and DEV 5.
7. My attention was drawn to a previously allowed appeal APP/Z0923/A/03/1128939 which is claimed to be a similar development. However, I am not aware of the particular circumstances of this case or the detailed arguments about sustainability considered by the Inspector, though I note the Council's comment that it was considered to be a gap site in an otherwise built up frontage within a village. That decision also pre-dates the publishing of PPS1 and PPS3. For these reasons I do not consider it to be directly comparable to this proposal. In any event, I have determined the current appeal on its own planning merits in the light of the evidence before me.
8. The appellant pointed out that planning permission has been granted for residential use at the appeal site. This was first granted for the conversion of the existing building in 2004 but was not implemented. In 2007, outline planning permission was granted for the replacement of the hall with a 2 storey dwelling, on the basis that the hall was structurally unsound and the principle of a dwelling on the site had been established by the 2004 permission. Be that as it may, it would not to my mind be justification for a further dwelling which I have found would conflict with policies which seek to promote sustainable development.
9. The appellant also argued that the proposed efficient use of this previously developed site would remove a derelict building. While that may be the case, in my opinion, these claimed significant benefits would not be sufficient to outweigh the conflict with policies which seek to promote sustainable development. Furthermore, while the appeal site is previously developed land (PDL), PPS3 advises in Annex B that there is no presumption that land that is PDL is necessarily suitable for housing development and it has not been demonstrated that an exceptional need exists for an additional dwelling at this location as set out in LP Policy DEV 5.
10. For the reasons given above and having regard to all other matters raised, including the appellant's arguments that the proposal would meet national guidance on housing density and the RSS sets a higher housing allocation target for the Borough than the Cumbria and the Lake District Joint Structure Plan 2001-2016, adopted 2006, and the letter from neighbours regarding a sewage tank and a right of way, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR