



Appeal Decision

Site visit made on 27 September 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/Z0923/W/22/3296195

Weston, Beckermeth CA22 2NX

- 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 B Atkinson against the decision of Copeland Borough Council.
 - The application Ref 4/21/2458/001, dated 8 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is outline planning permission for redevelopment of builders yard to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was in outline with all matters reserved for future consideration. I have dealt with the appeal on this basis, and I have treated any details not to be considered at this stage as being illustrative only.
3. I have been referred to the emerging Copeland Local Plan, which the Council indicates has recently been the subject of a publication draft consultation. Having regard to paragraph 48 of the National Planning Policy Framework (2021) (the Framework), while it may be that the emerging plan policies are consistent with the Framework, given that the plan has not yet been subject to an examination process to determine its soundness, and I have no clear information in relation to any unresolved objections to the relevant policies, the emerging policies have only limited weight in my decision.

Main Issue

4. The main issue is whether the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities.

Reasons

5. The development strategy set out in the Copeland Local Plan 2013-2028: Adopted Core Strategy and Development Management Policies (the Local Plan) (2013) is informed and underpinned by principles to move the Borough towards greater sustainability.
6. Policy ST1 encourages development that enables everyone to have good access to services and facilities and minimises carbon emissions. In seeking to direct development to the most sustainable locations, Policy ST2 restricts development outside the defined settlement boundaries to that which has a

proven requirement for such a location. This includes specific and local housing needs, which is detailed in Policy SS3.

7. The appeal proposal is for the redevelopment of the current builders' yard for residential use at a site that is outside any defined settlement boundary. There is no clear evidence from the appellant to demonstrate there is a need for housing in this location. The nearest defined settlements are Thornhill and Beckermet and there are a range of services and facilities available in these two settlements.
8. Located within the Hamlet of Oaklands, the appeal site is adjacent to other properties. Having regard to the High Court judgement¹ regarding paragraph 80 of the Framework, this physical location would not result in new isolated homes in the countryside that the Framework seeks to avoid.
9. The appeal site is located on the A595. At the time of my site visit I saw this to be a relatively well used road. While there is a footpath in places and a dedicated cycle path at the junction with the B5345, I observed that the section of the road adjacent to the site and large parts of the routes to the nearest settlements do not benefit from footpaths or cycle paths and have no streetlights. While in some places there are grass verges adjacent to the road, these are of a narrow width.
10. Occupants of the proposed dwellings would have to walk adjacent to the highway for part of their journey to either the nearest bus stop or to the nearby settlements. While some of the route forms part of the National Cycle route and it may be that services are within the range of cycling, this would, in the main, take place on the single carriageway with no separate cycle lane, particularly to Beckermet. Moreover, in the evenings the routes would be largely unlit. As such, occupants would be deterred from walking, cycling or catching a bus to the nearby settlements and would be reliant on the use of a car to access both services and facilities, and any local employment opportunities.
11. Paragraph 79 of the Framework says that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Given my findings above on the site's accessibility and the reliance on the private car, the occupants could not reasonably be expected to use and thereby support the services and facilities in the two nearest settlements. As such, I cannot be certain that the proposal would support the services in either Thornhill or Beckermet.
12. I have considered the Framework within paragraph 105, that accessible transport solutions will vary between urban and rural areas. However, the Framework also advocates at paragraph 92 the creation of places that promote social interaction and encourage walking and cycling, thereby helping to provide inclusive and safe places which support healthy lifestyles. Moreover, given the reliance on travelling by car, owing to the relative proximity of Egremont further along the A595, it is reasonable to assume that occupants would instead choose to drive to this larger settlement, which offers a full range of services and facilities where linked trips could be made in one

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

location. The proposal would not therefore enhance or maintain the vitality of the rural communities of the nearest settlements.

13. The appellant asserts that any car movements associated with the proposal would be significantly less than those associated with the current commercial use. However, I note that movements associated with this use would largely be restricted to working days, while the development of the site for housing would result in trips seven days a week and there would be a high probability of their being more than one car per household. I cannot, therefore, be certain that the proposal would be less intensive with regard to vehicle movements.
14. My attention has been drawn to a recent permission for housing in a nearby settlement. I acknowledge that other sites may be judged in rural locations to be sufficiently accessible, but the appeal site is not, for the reasons I have set out.
15. Overall, the proposal would not provide a suitable location for housing, having regard to the accessibility of services and facilities in conflict with policies ST1, ST2 and S33 of the Local Plan (2013). These policies, amongst other things seek to locate development in accessible locations. Policies ST1, ST2 and S33 are consistent with the Framework, in relation to accessible transport and housing in rural areas.

Other Matters

16. I acknowledge that the site comprises brownfield land and the proposal would result in additional dwellings. However, given the scale of the proposal these benefits carry limited weight.
17. I have had regard to the support from neighbours and the Parish Council and that the proposal is said to improve biodiversity and the character and appearance and living conditions of existing occupiers neighbouring the site. These are general benefits, however there is limited detail provided on these matters, and as such they are of limited weight.
18. While there would be economic benefits in the generation of construction jobs, this is of limited weight owing to the scale of the proposal. Moreover, there is no evidence to suggest that the current use of the site could not generate economic activity.
19. I acknowledge that the owner of the builders' yard is said to be future proofing his business and the development site, however these are largely personal circumstances and, therefore, of limited weight. The appellant has also suggested that the site could be used for general industrial or storage and distribution uses, and this is a fallback position. However, no further details of such proposals are before me and without such information a full and detailed comparison with the case before me cannot be made. Additionally, there is no evidence that the fallback position is a greater than theoretical possibility or that if the appeal is dismissed the fallback would be pursued. Consequently, I find the suggested fallback position to have limited weight in the determination of the appeal.
20. There may well be no encroachment into the open countryside, existing trees would be retained, there would be no loss of jobs and there would be no material impact on the existing access. However, any policy compliance in this regard is a neutral factor.

Planning Balance and Conclusion

21. The proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities, which is contrary to policies ST1, ST2 and SS3 of the Local Plan (2013). I afford this conflict with the development plan significant weight. It has not been demonstrated to me that the provisions of the Framework weigh heavily in favour of the proposal, and as such the proposal would also conflict with the Framework, taken as a whole.
22. The appellant has commented that the Local Plan is 7 years old and has been through three iterations of the Framework. It is the Council's position that the most relevant policies within the Local Plan should be considered out of date and that Paragraph 11 d) from the Framework falls to be considered.
23. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
24. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. Although the Local Plan pre-dates the Framework, paragraph 219 (of the Framework) states that existing policies should not be considered out of date simply because they were adopted or made prior to the Framework's publication.
25. The main issue for the determination in this appeal is whether the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities. Therefore, the most important policies for determining this appeal are policies ST1, ST2 and SS33, which as outlined previously, are consistent with the Framework. As such, the most important policies for determining this appeal are not out-of-date. Moreover, as I understand it, the Council are able to demonstrate a 5-year housing land supply. Consequently, paragraph 11 d) of the Framework does not fall to be considered in this case.
26. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR