

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2466/PIP
2.	Proposed Development:	APPLICATION FOR PERMISSION IN PRINCIPLE FOR 1 NO. DWELLING
3.	Location:	SYKE WHINS, LOWCA, WHITEHAVEN
4.	Parish:	Lowca
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change,</p> <p>Coal - Development Referral Area - Data Subject to Change,</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>This application relates to a plot of land adjacent to a cluster of dwellings at Syke Whins Farm, north east of Lowca. There are open fields surrounding the site with an access track leading from the east.</p> <p>PROPOSAL</p> <p>This application seeks 'Permission in Principle' for the erection of 1 no. dwelling. The application is accompanied by a site location plan and planning statement, with all technical details reserved for future approval.</p> <p>RELEVANT PLANNING APPLICATION HISTORY</p> <p>Demolition of dwelling and construction of new dwelling, approved in June 1993 (application reference 4/93/0240/0 relates);</p>	

Removal of conditions 2 and 4 of 4/93/0240/0 (occupancy restriction/roofing materials), approved in August 1993 (application reference 4/93/0445/0 relates).

CONSULTATION RESPONSES

Lowca Parish Council – No objections.

United Utilities – Drainage should be implemented in accordance with the drainage hierarchy and a full drainage scheme should be provided prior to the commencement of development.

The Coal Authority – Wish to be consulted on any future technical details that may be submitted.

CCC Footpath Officer - Public Footpath 413009 follows an alignment to the east of the proposed development and must not be altered or obstructed before or after the development has been completed.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

No responses have been received as a result of this advertisement.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy (CS)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

Strategic Housing Market Assessment 2019 (SHMA)

Village Services Survey 2019

Five Year Housing Land Supply Statement 2020/21

Appeal Ref. APP/Z0923/W/19/3225839 – Land at High Trees, Lamplugh, Workington.

Cumbria Landscape Character Guidance and Toolkit

ASSESSMENT

This application is seeking 'Permission in Principle' for the erection of 1 no. dwelling, therefore the matters for consideration under this application are the location, land use and amount of amount of development only. All other details such as layout, scale, access and appearance are to be considered at the technical details consent stage, should 'Permission in Principle' be approved.

Principle of development

The land for development is outside any designated settlement boundary and is therefore considered to be within open countryside. As detailed in Policy ST2, this therefore restricts development to that which has a proven requirement for such a location, including... *housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.*

A proven requirement for the proposed development has not been demonstrated therefore the requirements of Policy ST2 of the CS are not achieved.

Policy ST1 outlines the strategic development principles and Policy SS3 seeks to provide a choice of good quality and affordable homes for everyone. The policies refer to good access to services and facilities for everyone, encouraging development which minimizes carbon emissions, minimizing the need to travel and prioritizing development in the main towns where there is previously developed land and infrastructure capacity.

The site is located approximately 1.6 miles from the nearest village of Lowca which has limited

services. The site is located at the end of a private track, which connects to the C4001. The C4001 connects to the settlement of Harrington to the north and Lowca to the south and does not have a footway for pedestrians. Given the distances involved and the lack of separation of pedestrians and vehicles, travel by foot would be particularly difficult and potentially dangerous, especially as there is no street lighting along the route. Although the road is likely to be suitable for recreational cyclists, the distances involved in reaching the services and facilities required by most households would discourage this mode of transport. The constraints on travel other than by car would be more acute during bad weather or after dark. Given the distance to any services, travel by more sustainable methods would be unlikely to offer a feasible alternative to the private car.

The site is not therefore in a sustainable location for the purposes of Policy ST1.

In November 2020, the Council announced that it could demonstrate the provision of a 5 year land supply, however Policy ST2 B and C is still considered to be out of date. This is due to the fact that in order to meet the housing targets set out within the SHMA between 2017 and 2035, development will be required outside the settlement boundaries in the Core Strategy. This therefore means that part of Policy ST2 does not accord with the NPPF and therefore the application must be considered against the tilted balance set out in Paragraph 11 of the NPPF.

Paragraph 11 states that:

In applying the presumption in favour of sustainable development detailed in Paragraph 11, the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 79 of the NPPF advises avoidance of isolated homes in the open countryside. The word isolated is not defined within the Framework but according to the Court of Appeal “...the word “isolated” in the phrase “isolated homes in the countryside” simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. With regard to proximity to other housing, the Site is not isolated as there are a small number of other dwellings in the vicinity. However, due to the distance from any recognized settlement and the limited opportunities for travel other than by car, the proposed dwelling would be isolated from services and facilities.

Housing need

Policy SS3 of the Copeland Local Plan requires housing development to demonstrate how

proposals will deliver a mix of housing types and tenure, in line with the evidence provided in the SHMA. The supporting text for Policy SS3 says that exceptionally, consent may be given to homes in the open countryside fulfilling the requirements of the rural exceptions policy and where it can be demonstrated that a location outside a settlement is essential.

The application does not include details that an affordable dwelling is proposed, nor is there any indication as to why a location outside of a settlement is essential.

Settlement character, landscape impact and visual impact

Policy ENV5 seeks that the Borough's landscapes be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area; where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

In the Cumbria Landscape Character Guidance and Toolkit the site falls within an area of Sub Type 5a, Lowland Ridge and Valley. The Key Characters of Sub Type 5a Ridge and Valley comprise: a series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; and, large scale structures generally scarce.

The Guidelines for development include: discourage the further nucleation of the settlement pattern; and, ensure new development makes a contribution to the character of the area by respecting the form of villages e.g. linear along ridgelines, creates new focal spaces and takes advantage of attractive long views.

The site is located to the north east of Lowca, in an area of open countryside and to the north of a residential cluster consisting of a small number of dwellings. These dwellings are mostly barn conversions from the original buildings on the farm unit, with only one non-traditional dwelling, originally approved with an agricultural need. The proposal would extend development beyond the existing building envelope and would be at odds with the simple form, configuration and character of the existing building group. The creation of a new access to serve a dwelling in this location would extend development into the open countryside. Overall the development would have the effect of further extending and urbanizing this small collection of rural buildings to the

detriment of the prevailing local landscape character and setting

Furthermore, public footpath number 413009 runs adjacent to the site. The proposal would be highly visible from this public viewpoint and would create visual harm within an area of open countryside. Although there are existing dwellings on this site, these are located in a small cluster and are predominantly of traditional construction, resulting from the historic farmstead. The addition of a detached dwelling in this location would appear out of character with the existing building group and would create a negative effect on the existing amenity for footpath users.

The development is considered to be in conflict with the provisions of Policies ENV5 and DM10 of the Copeland Local Plan and paragraphs 20, 122, and 127 of the NPPF.

Flood risk and drainage

The Site is located within Flood Zone 1.

The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Site is not identified as being at risk from surface water flooding.

Whilst information has not been provided in respect of the disposal of surface water, this falls for consideration at the technical details stage.

Land stability

The Site is partly located in a Coal Development Referral Area, with the remaining site within the zone for standing advice.

The Coal Authority have requested to be consulted for consideration at the technical details stage.

Ecology

The Site comprises an area of residential curtilage and hardstanding, which does not appear to be of high ecological interest.

Highways

Access to the site is only reasonably achieved via the C4001 to the north. Cumbria County Highways have been consulted, however no comments have been received. As there is an existing access to residential properties on this site, it is unlikely that the addition of a single will have a detrimental impact on the existing highway situation.

The planning balance

	<p>In respect of the provisions of Paragraph 11 of the NPPF:</p> <ul style="list-style-type: none"> • Policy ST2 of the Core Strategy identifies the site as ‘outside settlement boundaries’ in open countryside; • A proven requirement for the proposed development has not been demonstrated; therefore, the requirements of Policy ST2 of the CS are not achieved; • The site is not in a sustainable location for the purposes of Policy ST1 of the CS and Paragraph 11 of the NPPF; • The development would further erode the open countryside, having a negative landscape and visual harm on the area. <p>Any benefits of the development for a single dwelling would be minor and limited to the construction phase only. The unsustainable location of the development in relation to services and the adverse impacts of the development on the open countryside would significantly and demonstrably outweigh this benefit, when assessed against the policies in the NPPF when taken as a whole. As a result, the application should be refused.</p>
8.	<p>Recommendation: Refuse</p>
9.	<p>Reasons for Refusal</p> <p>Reason 1</p> <p>The Site is located approximately 1.5 miles north of Lowca in an area of open countryside. A need for the dwelling to be located outside the Borough’s recognised settlements has not been demonstrated. Community facilities in the general wider vicinity of the Site are limited. Access to services from the Site is also extremely limited being beyond distances which residents could reasonably be expected to walk or cycle. There are no footways or direct access routes from the Site to the available services. Given the distances involved to the services and facilities, travel by more sustainable methods would be unlikely to offer a feasible alternative to private car. The proposal is therefore contrary to policies ST1, ST2 and SS3 of the Copeland Local Plan 2013-2028, and Paragraphs 8, 9, 11, 79, 102 and 108 of the National Planning Policy Framework.</p> <p>Reason 2</p> <p>The Site comprises part of the undeveloped land that is located to the north west of a small group of traditional buildings and is adjoined by a Public Right of Way. The proposal would extend development beyond the existing building envelope and would be at odds with the simple form, configuration and character of the existing building group. The creation of a new</p>

	<p>access to serve a dwelling in this location would extend development into the open countryside. Overall the development would have the effect of further extending and urbanizing this small collection of rural buildings to the detriment of the prevailing local landscape character and setting. The development is in conflict with the provisions of Policy ENV5, Policy DM10, and Paragraphs 20, 122 and 127 of the NPPF.</p> <p>Statement:</p> <p>The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.</p>
Case Officer: Sarah Papaleo	Date : 18/12/2020
Authorising Officer: N.J. Hayhurst	Date : 21/12/2020
Dedicated responses to:- N/A	