

TOWN AND COUNTRY PLANNING ACT 1990

Planning appeal

Land adjacent to Baruth Cottage, Hardmoor Lane, Sandwith, Whitehaven Cumbria. Mrs P Irving

1. Introduction

The proposal here relates to the erection of a 4 unit stable block on land adjacent to Baruth Cottage, Hardmoor Lane, Sandwith, Whitehaven, Cumbria. The application was refused on the 19th May 2021 by the Local Planning Authority, Copeland Borough Council.

The reasons for refusal were threefold and can be summarised as follows:

- a) A building of this scale would have a detrimental impact on the character and appearance of this open coastal landscape. The building would be conspicuous and incongruous in this location and when viewed from nearby rights of way. It is thus contrary to Policies ST1, ENV2 ENV5 and DM 30 of the Local Plan, paras 8 and 17, part 15 and Annexe 2 of the NPPF.
- b) Development here could lead to further applications in this area, approval thus making it difficult to resist further similar applications thus approval would set an undesirable precedent.
- c) As a result of the siting, scale and design the development would create an unsatisfactory building which would have a negative effect on the local area. The proposed use of materials would not reflect local vernacular and would be an unsatisfactory development in the open countryside, The proposal is thus contrary to Policies ST2, DM10 of the Local Plan and part 12 of the NPPF.

The detailed reasons for refusal are contained in the refusal notice attached to the appeal.

2. The Site and proposal

The proposal here constitutes the development of part of a field used for grazing for the erection of a 4 unit stable block. The land is owned by the appellant's family. Access would be via Hardmoor Lane which is private but includes a public right of way. The appellant has a right of vehicular access along this road. This right of way gives access to the coastal foot path some 200m to the north, although the development cannot be seen from the Coastal path as Baruth Cottage (quarry cottages) obscure that view.

Materials proposed are painted block work walls with olive green metal sheets to the roof. Doors would be stained timber and the entrance and vicinity of the unit would have a compacted hardcore surface. Local vernacular architecture in this area for farm buildings include sandstone walls and slate roofs, however the modest proposal here is designed to be functional.

The immediate landscaper is pleasant and open but is not exceptional and has no specific designation e.g. Heritage Coast or undeveloped coastline.

3. Planning Policy

The appellant's case here has been considered within the context of the adopted Copeland Local Plan and the policies referenced in the refusal.

However it is pointed out that the first reason for refusal quotes the Copeland Local Plan 2013-35 and the third reason also quotes the adopted Local Plan. (Reason 2 appears inconsequential as there are no known demands upon the local landscape for other similar developments).

The reference to the adopted Local Plan 2013-35 is a misnomer. There is no such document. There is an adopted Local Plan 2013-28, adopted in December 2013. Whilst undoubtedly a mistake there is a solid argument to say that the reasons for refusal are not legally valid as there is no such referenced Local Plan. The Local Plan to 2035 is still under production and has little weight.

Each of the policies referred to are discussed below with the appellant's points in italics

- a) **Policy ST1.** This refers to sustainability and the desire to see development within settlements thus protecting the open countryside. *The use is clearly a rural one where a countryside location is an obvious requirement. The appellant does not own a farm unit where this could be located.*
- b) **Policy ENV2.** This references management of the coastal zone and criteria B references recreational use. *The Local Plan key diagram indicates that this location is not in the Coastal Zone or Heritage Coast (although the scale of the diagram is such that this is difficult to be precise). This is a recreational use.*
- c) **Policy ENV 5.** This seeks to protect landscapes and to deter overriding threats to existing character. *The development is modest and does not materially impact on the surroundings.*
- d) **Policy DM30.** This references equine developments and advises that such should be in farm buildings or close to them. If developments can't be in such locations they must be accessible and screened *The proposal complies with this Policy (see comment above referring to the lack of a farm unit or building in this area) and the proposal could receive landscape treatment.*
- e) **Policy DM10.** This seeks to deliver quality of place and design. *The design is functional and the scale modest based upon the proposed use.*

- f) **NPPF.** References to the NPPF have been noted. This provides the statutory framework for the Local Plan policies and the detail there is reflected in the above policies and the appellant's commentary.

4. Conclusion

The proposal here is modest and is an appropriate location for the use. The unit does not impinge upon the general landscape here and the site does not have particular protection.

The applicant maintains that the appeal should be allowed.

MJN October 2021