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# Appeal Decision

Site visit made on 13 December 2022

**by N Teasdale BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 March 2023**

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**Appeal Ref: APP/Z0923/W/22/3305468**

**Land adjacent to Spout House Stables, 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 permission in principle.
  - The appeal is made by Mr Neil Amor against the decision of Copeland Borough Council.
  - The application Ref 4/22/2128/PIP, dated 31 December 2021, was refused by notice dated 28 July 2022.
  - The development proposed is residential dwellings (net number of dwellings: min 3, max. 5).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Notwithstanding the description of development in the Council's decision notice and appeal form, the description in the above header is based on that in the original application form and I have no substantive basis to consider this not to represent what is proposed.
3. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage establishes whether a site is suitable in-principle and the second stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. A plan titled 'Sketch Proposal 1' (Drawing No. 001) accompanies the planning application and I have taken this into account in reaching my decision.

## Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

## Reasons

6. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations

indicate otherwise. The appeal site is located outside of any designated settlement boundary and for the purposes of the Local Plan is located within the open countryside. The proposal for new residential development on this site without a proven requirement for such a location, including housing that meets proven specific and local needs would therefore be contrary to Policy ST2 B and C of the Copeland Local Plan Core Strategy and Development Management Policies Development Plan Document (DPD).

7. The Council have confirmed that despite being able to demonstrate a 5-year housing land supply position, Policy ST2 B and C are 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 Strategic Housing Market Assessment between 2017 and 2035, development will be required outside the settlement boundaries identified in the DPD.
8. It is not disputed that Policy ST2 is out of date, however, I have also considered the proposal in the context of Policy ST1 which relates to strategic development principles and amongst other things, supports development that provides or contributes to the Borough's social and community infrastructure enabling everyone to have good access to jobs, shops, services and recreational and sports facilities. It also seeks to minimise the need to travel, supports the provision of sustainable transport infrastructure and measures that encourage its use. The Framework in paragraph 105, states amongst other things, that the planning system should actively manage patterns of growth in support of objectives set out in paragraph 104, including that opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 105 explains that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It goes on to state that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Policy ST1 is broadly consistent with the expectations of the Framework.
9. There are a number of residential properties located to the north and west of the appeal site and the proposed development would not be isolated in terms of paragraph 80 of the Framework which seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply. Sandwith is however a small village with very few services and facilities, limited to only a pub and a hairdressers. Based on the evidence before me and my observations on site, it is likely that future residents would be highly reliant on the services and facilities in Whitehaven and would be likely to access these mainly by car given the degree of separation distance combined with limited opportunities for alternative travel including lack of continuous footway for pedestrians. Given the appeal site's relationship to services and facilities, it would likely result in a high dependency on private car.
10. My attention has been drawn to a recently approved scheme on land at Dalelands which is located within close proximity of the appeal site where the Council considered this location to be sustainable. Furthermore, I appreciate that the proposal would be located closer to the centre of the village than the above recently approved scheme. However, in determining this appeal on its merits, I have found that future occupants would not have reasonable access to day-to-day services and facilities such as, shops, schools, leisure, and health

facilities without that likely high dependency on the private car. Moreover, there are material differences between the previous proposal and the appeal before me including, in the former case, the circumstances of permission having been granted partly in the context of there being no 5-year housing land supply at that time.

11. Visually, the site lies on the edge of the village and is well defined by existing vegetation. At my site visit, I observed the nearby properties which vary somewhat from barn conversions to traditional terraces as well as more modern development including the recently approved development the appellant refers to which is located within close proximity of the appeal site. As a result, the proposed dwellings would be likely to be viewed in association with the adjacent built development rather than being an intrusion into the countryside and would not be at odds/jar with the dwellings located nearby. Furthermore, I acknowledge that there is an existing building located on the site and that the scheme has the opportunity to utilise the footprint of this building.
12. For the above reasons, the proposed development would not harm the open countryside, nor would it negatively affect the landscape character of the area and would therefore accord with Policies ENV5 and DM10 of the DPD which together, amongst other things, seek to protect all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area. However, for the reasons also set out above, the site would not be a suitable location for the proposed residential development on the basis that future occupants would not have reasonable access to day-to-day services and facilities without a likely high dependency on the private car and would be contrary to Policies ST1 and ST2 of the DPD. The proposed development would also be contrary to chapter 9 of the Framework which relates to promoting sustainable transport.
13. The Council's decision notice cites Policy SS3 of the DPD which relates to housing mix, needs and affordability. As such, it is not directly relevant to this main issue.

### **Planning Balance and Conclusion**

14. I have found that the proposed development would not harm the open countryside, nor would it negatively affect the landscape character of the area. However, the site would not be a suitable location for the proposed residential development on the basis that future occupants would not have reasonable access to day-to-day services and facilities without the likely high dependency on the private car, to which I attribute significant weight.
15. Paragraph 11 (d) ii. of the Framework states that where the policies which 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.
16. Set against the harm identified, there would be some minor economic benefit through employment during the construction period and some minor economic and social contribution to the local community from new family dwellings. However, the Council can demonstrate a supply of housing land in excess of 5 years and the modest contribution of up to 5 new dwellings would only make a

small difference to the overall supply of housing. Consequently, these benefits collectively attract modest weight.

17. For the above reasons, the adverse impacts in respect of the main issue would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal should therefore be dismissed.



INSPECTOR