
Appeal Decision

Site visit made on 23 March 2021

by Helen B Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2021

Appeal Ref: APP/Z0923/W/20/3263855

Land adjacent to School House and B5345, St Bees, Egremont CA27 0DS

- 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 Simon Blacker, SRE Associates, against the decision of Copeland Borough Council.
 - The application Ref 4/20/2357/PIP, dated 27 July 2020, was refused by notice dated 22 October 2020.
 - The development proposed is three residential dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for three residential dwellings on land adjacent to School House and the B5345, St Bees, Egremont CA27 0DS in accordance with the terms of application reference 4/20/2357/PIP, dated 27 July 2020.

Procedural matters

2. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) 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 (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. 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. I have determined the appeal accordingly.
4. The appellant has provided a 'Site Sketch Proposal' drawing to demonstrate how three dwellings could be accommodated on the site. As this is an application for permission in principle, I have considered this drawing to be indicative only.

Main Issues

5. The main issues in this case are:
 - the effect of the development on the character and appearance of the area having regard to its location;

- whether the site is suitable for residential development in terms of land use and amount of development;
- whether the proposal would preserve a Grade II listed building, Abbey Farmhouse; a non-designated heritage asset, St Bees School; and whether it would preserve or enhance the character or appearance of the St Bees Conservation Area.

Reasons

6. The appeal site is located within the boundary of the village of St Bees. The buildings of St Bees School lie to the east of the site and Abbey Vale, a residential estate lies to the south on the other side of the B5345. The site, owned by the school, forms vacant curtilage land and was formerly in use as a pitch and putt practice area and contains a small single storey building which was used for golf storage. I observed on my site visit that the northern section of the site comprises mown grass whilst the southern section consists of rough grassland and trees. The land rises to the north west and drops down to the east towards the school buildings.

Character and appearance having regard to location

7. The site is located within the Coastal Sandstone Landscape Character Area as defined in the Cumbria Landscape Character Guidance and Toolkit. This area is described as consisting of coastal sandstone cliffs, sandstone rolling hills and plateaus, large open fields, hedge banks, small woodland blocks giving way to enclosed farmland inland. The Guidelines for Development seek to strengthen the definition between town and country by using extensive buffer planting to screen the built-up areas and reduce the impact of any new buildings by careful siting and design.
8. The Preferred Options Local Plan, which was the subject of consultation in September /November 2020, includes as part of its evidence base a Landscape Settlement Study. It describes St Bees as a coastal settlement following the side of the Pow Beck Valley. A swathe of green space separates the two parts of the village. St Bees nestles in the valley bottom, its character defined by the high downland that surrounds the village. In terms of sensitivity it describes the rural coastal landscape as being sensitive to development on the valley sides and on the green wedge in the valley bottom. The appeal site would not be in either of these locations. Therefore, in terms of landscape impact, it would in principle be appropriate for development.
9. That being said, I recognise that the appeal site provides an open area of land with established tree and shrubs which makes a positive contribution to the character and appearance of the area on the approach into the village from the B5345. However, the site is of a small scale, within the village boundary and lies adjacent to existing residential development.
10. Approaching the village along the B5345, views towards the settlement can be obtained for a considerable distance. The stone wall on the boundary of the appeal site provides a hard barrier, which in visual terms denotes the edge of the village with built development beyond. The appeal site would be seen within this context.
11. Whilst inevitably development on the site would have localised impact, given the above, I am not persuaded that the effect on the character and appearance

of the area would be unacceptable. Any detailed scheme could retain existing landscaping and provide new planting to soften the view of new built development on the settlement edge.

12. The proposal would therefore comply with Policies ENV5 and DM10 of the Copeland Local Plan which seek to protect the Boroughs landscapes from inappropriate change and to ensure that development responds positively to the character of the site and wider setting. The scheme would also accord with paragraph 127 of the National Planning Policy Framework (the Framework) which aims to ensure that development is sympathetic to local character including landscape setting.

Land use and amount of development

13. St Bees is defined as a Local Centre in Policy ST2 of the Copeland Local Plan 2013-2028. The Policy supports appropriately scaled development in Local Centres that helps to sustain services and facilities for local communities. In respect to housing, the policy permits development in the defined physical limits of settlements including small extension sites on the edge of settlements, housing to meet local needs, affordable housing and windfall sites. As the appeal site would be within the village boundary, market housing would in principle be acceptable.
14. In terms of the amount of development, the PiP was submitted for three dwellings. This scale of development would be appropriate in a Local Centre. The submitted 'Site Sketch Proposal' shows how the site could be developed. I am satisfied that the site is large enough to accommodate three dwellings.
15. In summary I conclude that the proposed residential use of the site and the amount of development proposed would be acceptable in terms of Policy ST2 of the Local Plan.

Impact on heritage assets

16. Whilst this is an application for PiP, the statutory duties under sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) still apply.

St Bees Conservation Area

17. The appeal site lies outside but on the edge of the St Bees Conservation Area (CA). Key features of the CA are the Benedictine Priory dating back to the 9th Century and the School, founded in 1583. In the mid-19th century, the village saw expansion with the coming of the railway which allowed the stone quarrying industry to thrive. At this time several cottages and villas were built to accommodate this growth and the School expanded. A distinctive feature of the village is the use of local red sandstone and Lakeland slate which contributes positively to local character.
18. The defining characteristics of the CA, in so far as they relate to this appeal, are the historic religious and educational buildings set in spacious grounds and the area's visual uniformity with the use of local materials. These factors contribute to significance.
19. The Council has argued that the proposal would suburbanise and modernise the character of this historic gateway into St. Bees. However, bearing in mind that

this application is for permission in principle, it is difficult to justify such a conclusion. The Abbey Vale residential development is highlighted as an example of development that has eroded the character of the CA. However, this is a much larger development which extends up the valley side and has a much greater impact in terms of landscape and heritage.

20. The technical details consent, the second stage of a PiP. would deal with matters such as the layout, access, design, materials and landscaping. With a sympathetic design and consideration of the topography of the site, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the conservation area and St Bees School. The effect of the proposal on the setting of the CA and its significance, would in my view be neutral.
21. I have already found that the scheme would cause no harm to the character and appearance of the village. I therefore find that the proposal would preserve the character and appearance of the CA.

Impact on nearby Listed Building

22. The site lies within the setting of the Grade II listed Abbey Farmhouse, located approximately 100 metres to the south. The building, dating from 1679, with later alterations and additions, comprises a three-storey main block with two storeys adjoining the south return, rusticated quoins, mid and end chimneys, sash windows with glazing bars and stone surrounds. Its immediate setting is defined by Abbey House to the east, and a sandstone barn and the residential development of Abbey Vale to the north. The appeal site lies within its wider setting to the north.
23. I observed from my site visit that from the northern end of the appeal site, little of the Farmhouse can be viewed due to the curvature of the road. The heritage asset comes into clear view as one proceeds further into the village. This view is very much framed by the hedgerows on either side of the road, the modern industrial buildings to the east and Abbey Vale estate to the west, which all contribute to its setting.
24. The Council have argued that the rurality of the appeal site and its undeveloped nature make a positive contribution to the significance of the building as an edge of settlement historic farm. However, this significance has already been undermined by the more modern developments in this part of the village. These lie closer to the listed Farmhouse than the appeal site and have a significant impact on its setting. Furthermore, the appeal site is located within the village, not the rural area and has been in recreational use. It cannot therefore be described as having a rural character.
25. Given the above, I consider that the development of the appeal site, would not cause harm to the setting of this heritage asset.

Impact on Non-Designated Heritage Asset, St Bees School

26. St Bees School lies to the east of the appeal site and forms a non-designated heritage asset (NDHA). The closest building, School House dates from 1886. The School is set in spacious grounds. The playing fields to the south form part of the green wedge in the valley bottom and contribute to its setting. The relationship of the School and The Priory, the connection between religion and

education, can be appreciated when looking from the south. This is an important element of the building's significance.

27. Paragraph 197 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application and that a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.
28. The appeal site forms curtilage land to the northern edge of the School. The setting of the School when viewed from the north along the B5345 is already influenced negatively by the presence of modern industrial buildings to the southern end of the school site. I accept that the proposed development would have the potential to further impact negatively on the setting of the school. However, this is a modest development which would have a limited impact on the setting of the school as a whole. I also take account of the fact that a high-quality development could enhance the setting of this NDHA.
29. Taking a balanced approach, I conclude that the proposal would be acceptable, causing no harm to the setting or significance of the NDHA.

Conclusion

30. Bringing the above findings together, I consider that the proposal would preserve the character and appearance of the CA and cause no harm to the setting of nearby listed building and the NDHA. The appeal scheme would therefore accord with the Act, section 12 of the Framework and Policies ENV4 and DM27 of the Copeland Local Plan which seek to preserve and enhance the historic environment.

Other Matters

31. I note that there are a number of objections to the development from local residents and the Parish Council on highway grounds. The concern is that three new accesses onto the busy B5345 close to the junction of Abbey Vale would result in highway safety issues. The development is close to the start of the 30-mph speed limit and vehicles heading down the hill to the village often exceed this. I observed the operation of the road on my site visit. I have had regard to the lack of objection from the Highway Authority. Bearing in mind that this is an application for permission in principle, I am satisfied that access and highway safety issues can be appropriately addressed at the Technical Details stage.

Planning Balance

32. At the time the original application was determined, the Council could not demonstrate a 5-year supply of housing land. However, in November 2020 the Council's Five-Year Housing Land Supply Statement demonstrated that a supply of 6.35 years could be provided. On this basis the Council's Interim Housing Policy, which sought to address the shortfall was revoked.
33. The Emerging Copeland Local Plan (ECLP) was the subject of consultation at the end of 2020. This new Plan is supported by the Strategic Housing Market Assessment (SHMA) which for the period 2017-2035 calculates a housing need of 140 dwellings per annum. The ECLP confirms that to meet this need development beyond the existing settlement boundaries set out in Policy ST2 of

- the Core Strategy will be required. The appellant has pointed out that whilst the appeal site remains within the settlement, an extension to the settlement boundary of St Bees has been proposed in the Preferred Options Local Plan to the north. It is suggested that this indicates the Council would encourage further development in this location. Whilst this may be the case, as the new Local Plan is at an early stage of preparation, I can give it only limited weight.
34. Given the above, the Council have advised that Policy ST2, a policy most important in the determination of this appeal, is out of date. Accordingly, in accordance with paragraph 11 of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
35. The appeal site is in a sustainable location with good access to the services and facilities in the village. It is also close to public transport connections by rail and bus. Whilst it has been established that the Council has a 5-year supply of housing land, the development would make a contribution to this, meeting the Framework objective of significantly boosting the supply of homes. The proposal would make use of a vacant piece of land no longer used by the School and the construction of three houses would have economic benefits in terms of the local construction industry and the supply chain.
36. The appellant has advised that the proceeds of the sale of the site would be used by the School to maintain the other non-designated and designated heritage assets that it owns, benefiting the historic environment. Whilst this may be the case, there is no mechanism such as a legal agreement to secure this. Therefore, I give this benefit limited weight.
37. I have found that the proposal would not cause harm to the character and appearance of the area, would be in a suitable location, and would form an appropriate land use and amount of development. I have also found that it would not harm nearby designated and non-designated heritage assets. Accordingly, in the final balance, as I have found no substantive adverse impacts, the proposal would form sustainable development in the terms of the Framework. As there are no material considerations which indicate that the development should be determined other than in accordance with the development plan, permission in principle should be granted.

Conclusion

38. For the reasons set out above, and having had regard to all other matters raised, I allow this appeal.
39. The PPG indicates that, unless some other period is clearly justified, the default duration of a permission in principle is 3 years. I have no reason to consider that a departure from the default duration would be justified in this case.
40. The Council have suggested that if I allow this appeal, a condition be imposed requiring that the development comprise a maximum of three dwellings. Planning Policy Guidance is clear that conditions should not be imposed at the principle stage, but any consent must be clear about the minimum and maximum number of dwellings. My decision is clear in this regard.

Helen Hockenfull

INSPECTOR