
Appeal Decision

Site visit made on 27 May 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/F0935/W/24/3354544

Stoneycroft, Sea Mill Lane, St Bees, Cumbria CA27 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Lee Grundy against the decision of Cumberland Council.
 - The application Ref is 4/24/2051/0F1.
 - The development proposed is erection of a new dwelling and associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the policies from the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2016 referred to in the Decision Notice have been superseded by policies from the Copeland Local Plan 2021-2039 (LP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policies DS1, DS2, DS4, N6 and H6 of the LP are now the policies most important to the determination of the appeal. The appellants are aware of the revised policy framework and have had the opportunity to comment upon its relevance to the appeal.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the development having regard to the housing policies of the development plan;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on the living conditions of the occupants of Stoneycroft in regard to privacy and the occupants of the properties on Sea Mill Lane in regard to noise and disturbance.

Reasons

Principle

4. St Bees is identified as a Local Service Centre in the LP and has good provision of public services, rail and bus links. The appeal site is located outside of the boundary of St Bees and as such is an area classed as 'open countryside' within the Council's Strategic Policy as defined within Policy DS1 of the LP.

5. In order to ensure the delivery of sustainable development and support the vitality of communities the Council supports housing in the countryside only where it meets the criteria listed under Policy DS2 of the LP. Criterion (a) requires that the site is well related to and directly adjoins an identified settlement boundary. In this instance the appeal site is close to the settlement boundary of St Bees but does not directly adjoin it. Criterion (b) requires that the site can be physically connected to the settlement it adjoins by safe pedestrian routes. The appellant asserts that the appeal site is connected to St Bees via a public footpath. However, a large proportion of Sea Mill Lane does not have a public footpath and based on the evidence before me there is not a lit path that would form a safe pedestrian route throughout the year and in the hours of darkness.
6. Criterion (c) is the third criteria and allows for housing in the countryside when the Council is unable to demonstrate a 5-year supply of housing; when there has been a previous under-delivery of housing against the requirement of three years or more; or the proposed housing would be affordable, an essential dwelling for rural workers or would result from the conversion of a rural building to residential use. There is no dispute between the main parties that the Council can currently demonstrate a 5-year supply of deliverable housing sites and there is no substantive evidence before me to demonstrate that the proposed development would meet any of the other aspects of criterion (c). Therefore, the development would fail to accord with Policy DS2.
7. The proposed development would be close to existing dwellings and would neighbour Stoneycroft as such it would not be isolated. Nonetheless, as detailed above, it would be located outside of an identified settlement and, in policy terms, is located in the countryside and falls to be considered as such.
8. It is noted that paragraph 89 of the National Planning Policy Framework (the Framework) recognises that sites to meet local needs in rural areas may have to be found adjacent to or beyond existing settlements. However, as the Council can demonstrate a five year supply of housing sites, I am not certain that there is a justified need for the development of land for housing outside of the settlement boundary in this instance. Further, paragraph 89 goes on to state that the use of previously developed land and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist. The proposal would utilise part of the garden ground of Stoneycroft, but residential gardens are exempt from the definition of previously developed land in the Framework.
9. For the reasons detailed above the principle of the proposal is unacceptable in relation to relevant housing policies in the development plan. Therefore, the proposal is contrary to Policies DS1, DS2 and DS4 of the LP which define the Council's spatial strategy and supports housing in the countryside only in specific circumstances and seek to ensure developments create layouts that provide safe, accessible and convenient pedestrian and cycling routes.

Character and Appearance

10. The appeal site fronts on to a part of Sea Mill Lane that is close to the coast where the land rises steeply from the shore. Development is sparse at the immediate area, reflecting its location outside of the settlement boundary, and is surrounded by rolling agricultural fields interspaced with pockets of gorse. The King Charles III path is a national trail and passes the front of the appeal site. The proposed

development would occupy a prominent and elevated coastal position that is visible from this path and the wider vicinity of St Bees Cove.

11. Neighbouring properties are varied in terms of their design, form and external materials. Both Stoneycroft and its immediate neighbour are two storey, and their design is simple with standard sized windows and external elevations are finished in off-white render. Nearby property Standby House is three storey and is larger in terms of its built form, its design utilises a palette of local red sandstone and render. There is also a row of single storey dwellings in front of the properties on Sea Mill Lane closer to the shore. Although they are varied the properties in the area are unified by a simple design and fenestration pattern that establishes the character of the architecture in the area.
12. The proposed detached dwelling would be three storey and built into the slope of the land, requiring significant ground works and retaining walls to accommodate the development. A contemporary design is proposed with large windows on the front elevation. External materials include roughcast and local red sandstone with a slate roof that would include photovoltaic panels in the front roof plane.
13. From the front it would appear that the proposed dwelling would reflect the scale of nearby Standby House. However, its over all massing would be much larger than both Standby House and the other properties in the immediate area. Also, the extent of glazing on the front elevation of the dwelling would result in the building having a greater solid to void ratio than neighbouring properties and would further exacerbate its prominence in relation to neighbouring dwellings. These factors combined with the buildings elevated position would result in an incongruous and overly dominant element within the coastal landscape. While the proposed dwelling would not restrict access or the functionality of the national path, it would harm the rural character and appearance of the area which will in turn negatively affect how it is experienced by those traveling along the path.
14. For the reasons detailed above the proposed development would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policy N6 of the LP which requires that development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage Coast where proposals could impact on their setting and views into and from the National Park or Heritage Coast.

Living Conditions

15. Two windows are proposed on the upper floors of the side elevation of the proposed dwelling, facing Stoneycroft. Due to the variance in ground level and the separation distance between the side windows of the existing and proposed dwellings it is considered that the proposal would not harm the living conditions of the occupants of Stoneycroft in regard to privacy.
16. Based on the evidence before me it appears that the primary windows serving habitable rooms in Stoneycroft face Sea Mill Lane. As these windows are elevated well above the height of the road. The view of individuals passing by the property either on foot or in a vehicle would be restricted. As such future occupants accessing the proposed dwelling would not harm the privacy of neighbouring occupants in this regard either.

17. Sea Mill Lane runs from St Bees to a public car park on the coast. There are several properties along the length of the lane that are accessed off it. As such it would be expected that there would be a mix of vehicles accessing properties on the street as well as the public car park. The road is narrow in places and given the size of the car park and number of properties it may be busy at times. Considering the number of vehicular movements along the lane, it is not clear that the vehicles associated with a single additional property would have a materially harmful effect on the living conditions of neighbouring occupants in terms of noise and disturbance over what is existing.
18. For the reasons detailed above the development would not have a harmful effect on the living conditions of the occupants of Stoneycroft in regard to privacy and the occupants of the properties on Sea Mill Lane in regard to noise and disturbance. The development is therefore in accordance with Policies DS4 and H6 of the LP which require that developments contribute positively to the health and wellbeing of residents and privacy is protected through distance or good design.

Other Matters

19. My attention has been drawn to several examples of instances where permission has been granted by the Council, or allowed at appeal, for housing in the countryside or where houses in St Bees have been approved with large glazed sections on their front elevations. However, full details of these permissions have not been provided and based on the evidence before me they were determined prior to the adoption of the current development plan. As such, I cannot be certain that the circumstances in these instances were the same as the appeal before me.
20. The Government is seeking to significantly boost the supply of housing. The Framework recognises that small sites can make an important contribution to the Council's housing supply. Although the proposed development is for just a single dwelling, this would make a positive contribution and add diversity to the Council's housing mix and would provide social benefits. There would also be economic benefits in terms of the generation of economic activity during the construction of the houses and the provision of homes to residents who would contribute to the local economy. However, due to the small scale of the proposed development, these benefits would be limited.
21. The Council raised no concerns in regard to flood risk, ecology, access and highway safety. Based on the evidence before me I have no reason to disagree with the Council on these matters. I have also found that the proposal would not harm the living conditions of neighbouring properties. Nonetheless, an absence of harm in these respects is a neutral factor weighing neither for nor against the development.
22. Still, I have found that the site is not in a suitable location for the development and it would harm the character and appearance of the area. The adverse effects in these respects are considerable and outweigh the benefits detailed above.

Conclusion

23. The development would conflict with the development plan. This conflict is not outweighed by other considerations. Therefore, the appeal is dismissed.

C Livingstone INSPECTOR