

STATEMENT OF CASE

APPEAL AGAINST A REFUSAL TO GRANT PERMISSION IN PRINCIPLE FOR THE USE OF LAND OFF ARLECDON PARKS ROAD, ARLECDON, FRIZINGTON FOR RESIDENTIAL DEVELOPMENT UNDER REFERENCE NUMBER 4/20/2052/PIP

1.0 INTRODUCTION

- 1.1 This Statement of Case forms part an appeal by Lakeland Building Design on behalf of Mr & Mrs Gate, against the above refusal of Permission in Principle for the following reasons:

The Application Site comprises undeveloped land to the South of Arlecdon Parks Road that contributes positively to the character of Arlecdon. The proposed development by virtue of it's scale and location would be at odds with the prevailing form of development in this area of the settlement. The development would urbanise and thus erode the rural character of this area of the settlement to it's detriment. The development would limit the expansive open views of the Lakeland Foothills and Western Fells beyond which contribute positively to the character of the area and are important locally.

The development is in conflict with the provisions of policies ST2, ENV5, DM10, DM11, DM12, and DM26 of the Copeland Local Plan 2013 – 2018 BS paragraphs 20, 122 and 127 of the National Planning Policy Framework.

- 1.2 Matters in relation to the proposal are set out generally within the Planning Application. Those matters will not be repeated within this Statement other than where it is necessary to address matters under the heading Reasons for Refusal.

2.0 THE SITE

- 2.1** The site area is approximately 0.64 Ha and fronts onto and is accessed via the main A 5086 road which connects the local towns of Cockermouth and Egremont and serves the village of Arlecdon/Rowrah.
- 2.2** Arlecdon joins the village of Rowrah with no clear distinction between the two settlements and is situated toward the North Eastern boundary of Copeland. The villages are referred to as *Arlecdon and Rowrah* in the Copeland Local Plan and share a joint settlement boundary. The combined villages are identified to as a Local Service Centre in the Local Plan as they benefit from a range of services including a school, village shop with Post Office, public houses and local employment opportunities which includes a local brewery.
- 2.3** The village has a local bus service link to the nearby towns of Egremont, Whitehaven, Workington and Cockermouth and is approximately 6 miles from the nearest train station.
- 2.4** Although not within the current settlement boundary as identified in the Copeland Local Plan, the proposed site is directly adjacent to the settlement limit.

3.0 PLANNING HISTORY

- 3.1** The site has had no recent planning history. Originally the site was part of a larger parcel of land but was divided by the route of a local railway line. The embankment is still in place and an access point between the two areas is evident toward the Western end of the site.
- 3.2** Whilst there have been no formal applications for the development of the site, it is important to note that following the call for sites in 2013, the SHLAA of that year identified the site as reference SR33. When the Site

Allocations document was produced in 2015, figure 4.5 included the site as Place reference Ar3 and, along with a neighbouring site, was recommended as being suitable for the development of 35 dwellings. When the Interim SHLAA of November 2019 was published, various sites in Arlecdon/Rowrah were discarded but the appeal site was retained as still being suitable for housing development. Copies of the extract from the Site Allocations document 2015 and the associated map are attached to this Statement.

4.0 THE PLANNING APPLICATION

4.1 The submitted application was for “Planning Permission In Principle”(PIP) for residential development for a minimum of 1 and a maximum of 9 dwelling units.

4.2 As set out in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail.

4.3 This appeal relates to the first of these 2 stages. The scope of the first stage is to establish whether a site is suitable in principle for development and is limited to location, land use and the amount of development.

4.4 An indicative site layout was supplied with the application. This was intended for illustrative purposes only to indicate one of the many ways in which the site could be developed.

5.0 COMMENTS ON REASONS FOR REFUSAL

5.1 The reasons for refusal clearly indicate that, by including matters which are not relevant to the consideration of a PiP application, the Council have failed to understand both the meaning and the Government aims behind the

introduction of this new method of determining development proposals.

- 5.2** Copeland Council recognise that they have consistently failed to demonstrate that they have a 5 year housing land supply. In recently recognising that shortfall, they published an *Interim Housing Policy* in which the Introduction (Overview) states:

On the 9th May 2017, Copeland Borough Council announced that it cannot demonstrate a five-year supply of housing sites. The Council accepts therefore that “policies for the supply of housing” set out within the Copeland Local Plan 2013 – 2028 (Core Strategy and Development Management Policies) will no longer be deemed up-to-date; and these policies carry less than full weight in decision-making.

- 5.3** That shortfall continues today.

- 5.4** It is worthy of note that the Council, in the reasons for refusal, do not state that the site is not sustainable or in a sustainable location. It must be accepted, therefore, that the site is sustainable and in a sustainable location. Indeed it is as the twin villages are blessed with the services set out in paragraph 2.2 of this Statement and they are on a local public bus route linking them to the nearby centres of employment, education and retailing.

- 5.5** Notwithstanding the shortfall in the housing land supply, the presumption in favour of sustainable development as set out in the NPPF should prevail.

- 5.6** The NPPF clearly states that where there is a shortfall in the required 5 year supply of deliverable housing sites, those Local Plan policies which restrict the distribution and location of housing will be out of date and afforded little weight in decision making. The shortfall strengthens the presumption in favour of sustainable forms of development unless the proposal is in conflict with other strategic policies contained in the Framework.

- 5.7** The Appellants contends that as the site or the surrounding area is not designated as being of any special landscape character and not afforded any protection in the Local Plan, the proposals are not in conflict with any strategic policies in the Framework and as such, the presumption in favour of this sustainable form of development should take precedence.

5.8 The Council's Interim Housing policy, which they recognise as being outside the provisions of the development plan states that *The Council will (in addition to the development plan and other material considerations) consider residential development proposals **contiguous** to the development boundary, or the existing built form of a settlement, against each of the following criteria:*

- a. The scale of the proposed development.*
- b. The level of services and facilities in the settlement.*
- c. Impact on highway and transport network*
- d. Effect on infrastructure capacity; ie education, health provision*
- e. Safe and accessible environments*
- f. Assessment against flood risk.*
- g. Impact on Lake District National Park*
- h. Level of affordability (subject to viability)*
- i. Support for executive housing*
- j. High quality design.*
- k. Developments should not result in significant intrusion into open countryside.*
- l. Assessment of visual harm to landscape character.*
- m. Master plan required for major developments*

5.9 The Appellants contends that only criteria f , k and l are relevant to the consideration of a Pip application. In response to *Criteria f*, the site is not prone to flooding and lies within Flood Zone 1. The use of the land for housing of a scale and design not yet known cannot be said to represent a significant intrusion into open countryside (*Criteria k*) and it must be remembered that in 2019 the Council were stating through the Interim SHLAA that this site and the adjoining land were suitable for the construction of 35 dwellings. With respect to *Criteria l*, the visual harm to the landscape character can only be assessed when the technical details

relating to design (single storey or 2/3 storey dwellings), number and layout have been determined. Nevertheless, the landscape impact was considered to be acceptable in 2019 as mentioned earlier in this paragraph.

- 5.10** The Appellants contend that the proposal is contiguous to the settlement boundary and the existing built form of the settlement and not contrary to the relevant provisions of the Interim Housing Policy.
- 5.11** The Appellants contend that the decision on this appeal is to be judged on the balance between the sustainable use of the land for housing, which will contribute towards addressing the shortfall in the housing land supply, and the impact of the use of the land for housing, in a form not yet determined, on the character and appearance of the locality.

6. SUMMARY

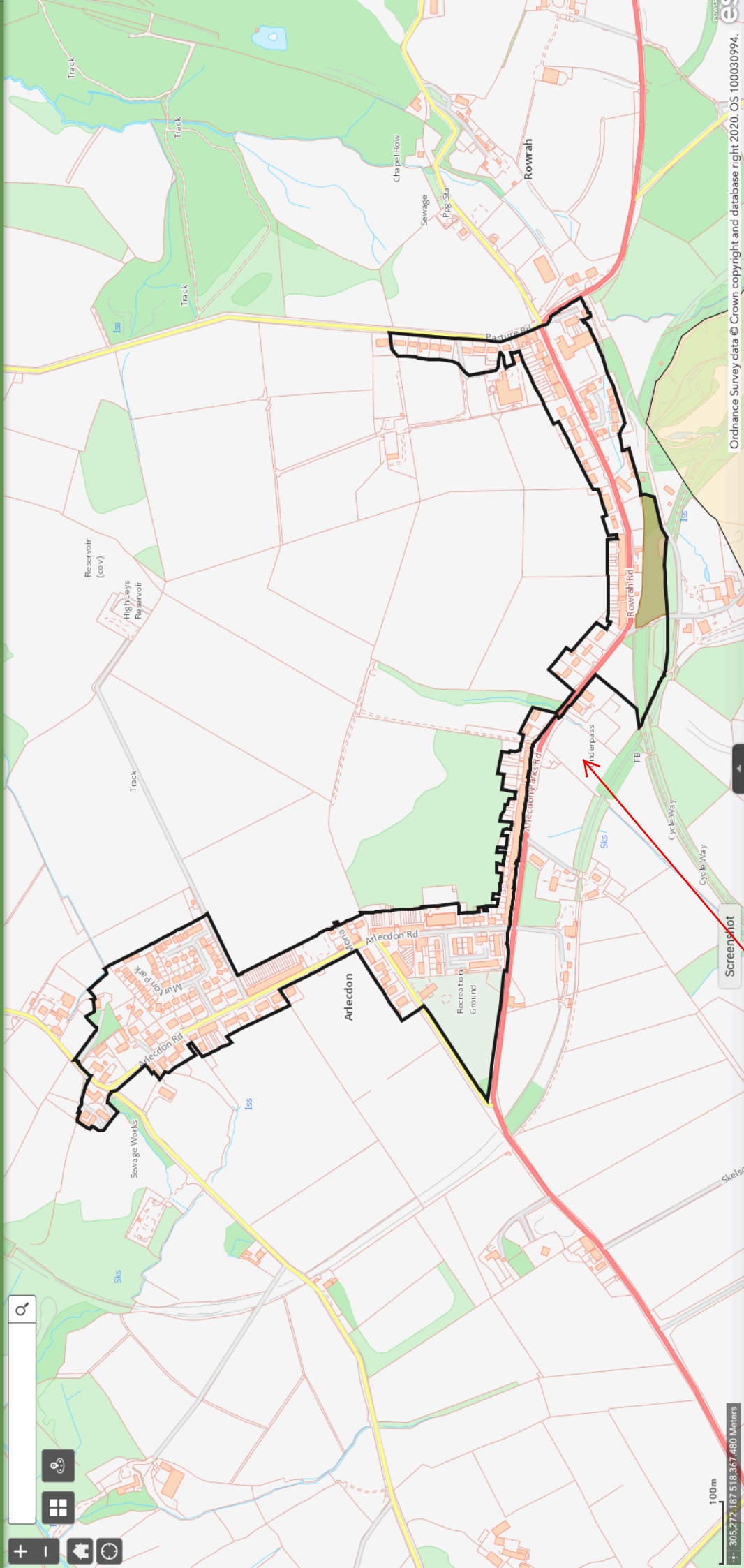
- 6.1** The Council cannot demonstrate a 5 year supply of deliverable housing land.
- 6.2** The NPPF states that there is a presumption in favour of sustainable forms of development and that presumption is enhanced by the lack of an adequate housing land supply.
- 6.3** There is no dispute that the site is in a sustainable location and contiguous to the established settlement boundary.
- 6.4** The proposed use of the land meets the relevant criteria in the Council's Interim Housing Policy.
- 6.5** Neither the site nor the surrounding countryside is designated as having a special and protected landscape character.
- 6.6** The policies referred to by the Council in the reasons for refusal, apart from those addressed in the preceding paragraphs of this Statement are matters which cannot be assessed in relation to this application for Permission in Principle. The Council have full control at the Technical Details stage to ensure that the issues of high quality design, landscape impact and highway safety meet the relevant policy requirements.
- 6.8** The Appellants are of the opinion that the community will benefit more by the development of the land for housing than the loss of limited views

across the site which are readily available at many other vantage points throughout the villages.

6.7 The Inspector is requested to concur with the views of the Appellants and allow this appeal.

Attached to this Statement are plans and aerial photographs illustrating:

- the Settlement boundaries in relation to the appeal site
- aerial photograph of the appeal site
- Map Extract of the 2015 Site Allocations document and table
- Interim Housing Policy



Proposed site

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PLANNING PERMISSION IN PRINCIPLE**

FOR

RESIDENTIAL DEVELOPMENT

LAND OFF ARLECDON PARKS ROAD, ARLECDON, FRIZINGTON.

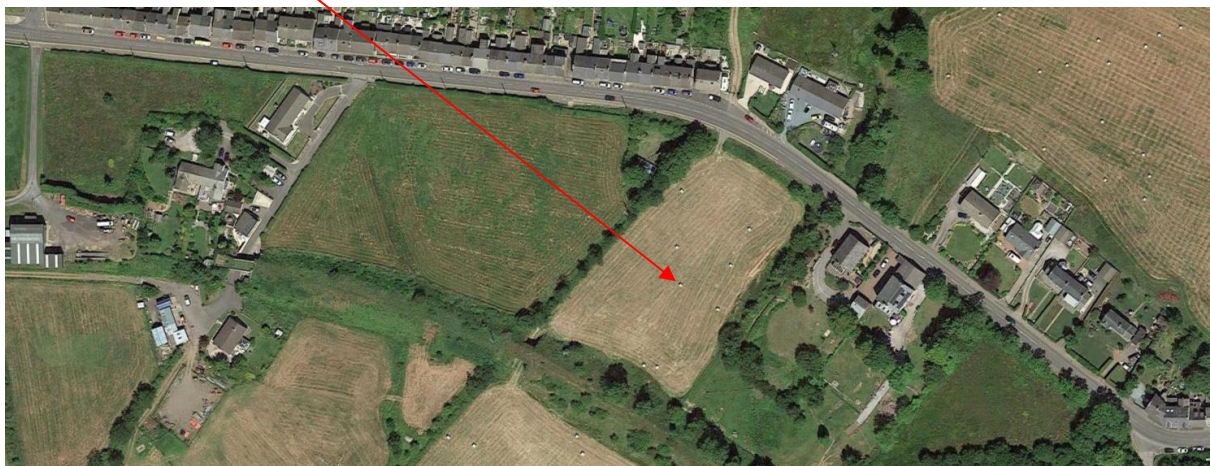
Mr & Mrs GATE

Planning Ref : 4/20/2052/PIP

Aerial Photographs



Proposed site



For all the latest Coronavirus information including support for Copeland residents and businesses

[Click here >](#)



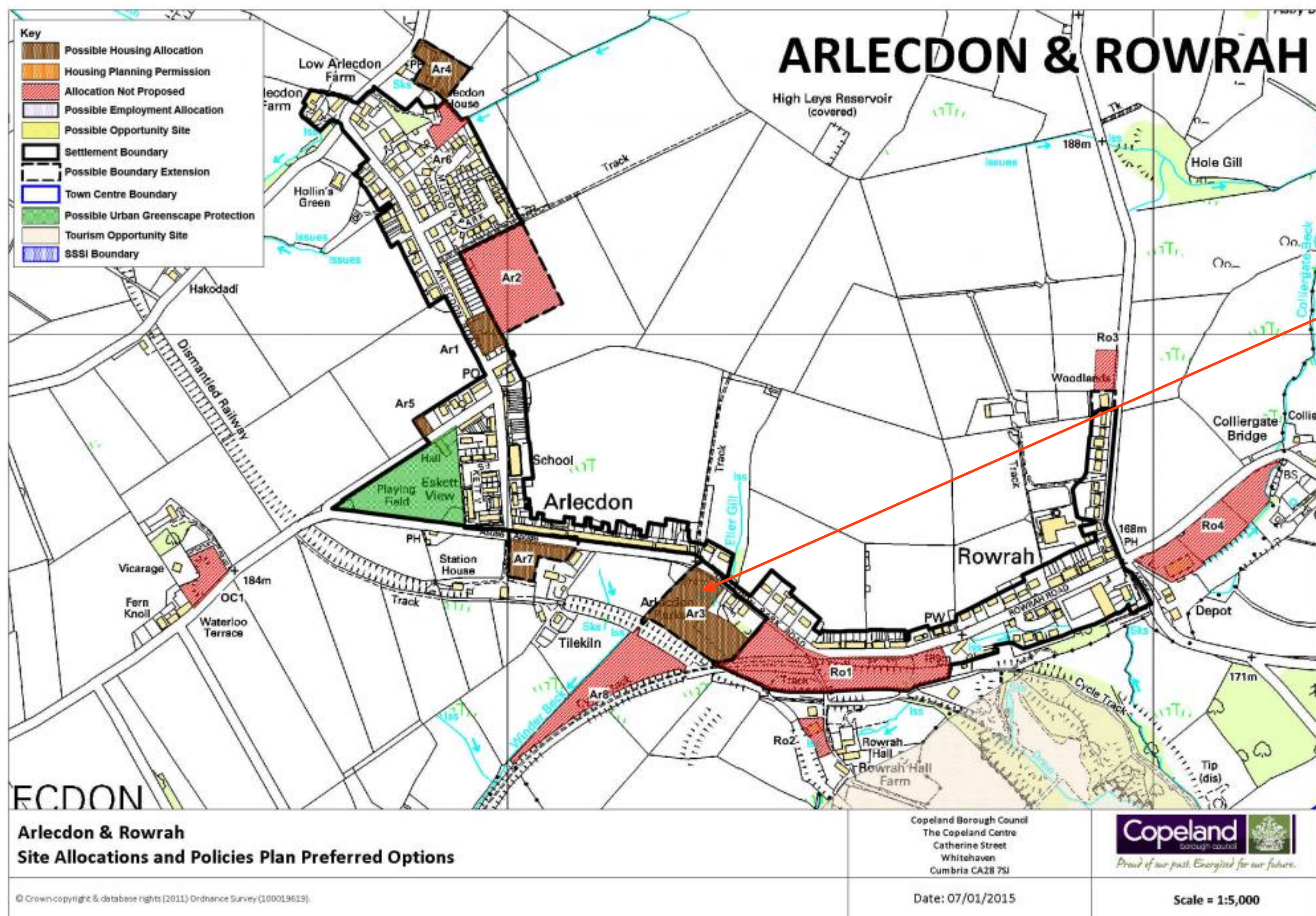
Arlecdon & Rowrah



Map of Arlecdon & Rowrah highlighting the proposed Site Allocations.

For more information on the Site Allocations and Policies Plan, please [click here](#)

To give feedback, please [click here](#)



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Figure 4.5: Sites suitable for allocation – Local Centres

Place ref.	Site	SHLAA Ref	SHLAA RATING	Yield	Assessment
FrA	Frizington Road Workshops	CS59 LP E17	LP2006	1 ha.	Retain as employment
SeA	Seascale Rural Workshops	LP E21	LP2006	0.7 ha.	Retain as employment
DiA	Central Garage	n/a	n/a	0.7 ha	Consider allocation for employment.
DiB	Rear of Central Garage	n/a	n/a	1.3 ha	Consider allocation for employment.
DiC	Furnace Row	n/a	n/a	2.2 ha	Consider allocation for employment.
Ar1	Garage site Arlecdon Road	S335	0-5	7	Consider allocation for housing.
Ar3	Arlecdon Parks Road	SR33	6-15	35	Consider allocation for housing.
Ar4	Adjoining Sun Inn	CS38	6-15	13	Consider allocation for housing.
Ar5	Raltri (Barwise Row)	S326	6-15	3	Consider allocation for housing.
Ar7	Parks Road	SR11	0-5	11	Consider allocation for housing.
Ro4	Chapel Row	SR24	6.15	39	Consider allocation for housing.
	Arlecdon/Rowrah suitable housing sites total			108	
Be2	Croftouse Farm	CS30	6-15	5	Planning permission for housing.
Be3	Hunter Rise	S039	6-15	33	OK in principle if highway access satisfactory.
Be4	Adjoining Croftouse Farm	S339	6-15	4	Consider allocation for housing.
Be5	Barwickstead	SR32	6-15	13	OK in principle if highway access satisfactory.
	Beckermest suitable housing sites total			55	
Bi2	Bank End View	CS36	6-15		Acceptable in principle if feasible – yield uncertain
	Bigrigg suitable sites total			0	
Di1	Distington Hinnings Farm	- LP H26	LP 2006	(85)	Acceptable in principle but market interest in question
Di2	Distington Ennerdale View	S132	0-5	11	Consider allocation for housing.
Di3	Distington Kilinside	S331	6-15	77	Consider allocation for housing.
Di4	Distington Ennerdale Rd/Barfs Rd	CS78	6-15	39	Consider allocation for housing.
Di7	Distington rear of school		6-15	5	Consider allocation for housing.
Di12	Former concrete depot			75	Consider allocation for housing
	Distington suitable housing sites total			(282) 197	

Interim Housing Policy

Overview

On the 9th May 2017, Copeland Borough Council announced that it cannot demonstrate a five-year supply of housing sites. The Council accepts therefore that “*policies for the supply of housing*” set out within the Copeland Local Plan 2013 – 2028 (Core Strategy and Development Management Policies) will no longer be deemed up-to-date; and these policies carry less than full weight in decision-making.

Interim Housing Policy (2017)

The Council will continue to support applications that are in accordance with the development plan. However, in order to encourage sustainable development and boost housing delivery, a decision-making framework for planning applications that may not be fully in accordance with the development plan has been set out.

The Council will (in addition to the development plan and other material considerations) consider residential development proposals contiguous to the development boundary, or the existing built form of a settlement, against each of the following criteria:

- A. The scale of proposed development must be appropriate to the size, character and role of the settlement. In deciding whether the scale is appropriate, account will be taken of the cumulative impact of completions and permissions for the settlement concerned.
- B. The level of services and facilities in the settlement, as defined in the Village Services Survey (2017). To encourage sustainable development, preference will be given to schemes which are contiguous to settlements that have the greatest concentration of facilities and services. Information provided by applicants which seeks to update the survey will be a material consideration.
- C. Proposed development should not have a significant adverse impact on the capacity and safety of the highway and transport network.
- D. Individual and cumulative impacts of development on infrastructure capacity (for example: education, health provision, surface water management, adult social care), and landscape character should be mitigated.
- E. Proposed development should create safe and accessible environments that offer good access via a range of transport modes. Sites where it is possible to walk easily to a range of facilities will be considered more sustainable than sites that are further away and which would make car journeys more likely.
- F. Proposed development sites that fall within Flood Risk Zone 3a and 3b, as defined by Environment Agency’s latest data, will be discounted unless robust evidence can prove

that the flood zoning for the site is incorrect, or that there is a robust mitigation plan signed off by the Environment Agency.

- G. Proposed development should not have an adverse impact on the Lake District National Park, and should demonstrate how they conserve or enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park, or its setting.
- H. Proposed development should, subject to viability, include a proportion of affordable housing which makes the maximum contribution to meeting identified needs in that market area.
- I. Proposed development for Executive Housing will be supported where it delivers significant and demonstrable economic, social, and environmental benefits.
- J. Proposed development should be of a high quality design, enhancing local distinctiveness; and, where relevant, respecting the rural character of the settlement.
- K. Proposed development should not result in significant intrusion into the open countryside, or result in any settlements merging.
- L. Proposed development should not result in significant and demonstrable harm to the landscape character of Copeland, and applicants should have regard to those landscape areas as defined in the Cumbria Landscape Guidance and Toolkit (2011), or any subsequent update.
- M. Major developments should be supported by a masterplan (to include a phasing scheme), which will demonstrate what proportion of development will be deliverable within the five year supply period relevant to the date of determination of the planning application.

It is recognised that the adoption of the Interim Housing Policy falls outside of the statutory development plan. The Interim Housing Policy will however be relied upon as a material consideration in the determination of planning applications.