

Appellant: Lee Grundy

Development Address: Stoneycroft, Sea Mill Lane, St Bees, Cumbria, CA27 0BD

Local Authority: Cumberland council

Date: 25/09/2024

Introduction

I am writing to formally submit an appeal against the refusal of planning application 4/24/2051/0F1, which was submitted to Cumberland Council for the proposed development at Stoneycroft, Sea Mill Lane St bees CA27 0BD. The application was refused on 29.04.2024, and the reasons provided for refusal are outlined in the decision notice issued by the local planning authority (LPA).

I believe that the refusal decision is unjustified and fails to adequately consider the planning merits of the proposal. In this statement, I will address the reasons for refusal and provide evidence and arguments to demonstrate that the proposed development complies with local and national planning policies, is appropriate for the site, and will not cause significant harm to the surrounding environment or community.

Proposal Summary

The application sought permission for a new 4 bedroom dwelling and all external works. The proposed development was designed with careful consideration of the local context, planning policy, and the needs of the area.

Grounds of Appeal

1. Addressing the Reasons for Refusal

The decision notice cited the following reasons for refusal:

Reason 1: The proposed development comprises a market led residential development located on a site outside of the settlement boundary of St Bees in direct conflict with the provisions of Policy ST2 of the Copeland Local Plan, DS3PU, Policy DS4PU and Policy H4PU of the emerging Copeland Local Plan 2017- 2038 and provisions of the NPPF.

Response:

- In terms of its relationship to St Bees, Sea Mill Lane runs from the centre of St Bees and development is continuous to the proposed site in a linear form. The provision of a dwelling in this location would continue the historic form of the village.

- St Bees Railway Station is available within approximately 1km of the site, a primary school within 815m and it is approximately 800m to the nearest bus stop. This area is adjacent to a car park for visitor to the shore line in this location and therefore whilst it may be out with the boundary of the village as the Council have determined to draw it, it is sustainably located on previously developed land and in an area which is heavily influenced by development.
- It is therefore considered that the location is appropriate for the limited development of a single dwelling and this would be consistent with national policy to provide dwellings on previously developed land in locations which are sustainable and accessible. The settlement map draws the boundary of St Bees cutting across this last cluster of houses. However, conflict with this area of the Plan does not result in a scheme which cannot be found otherwise acceptable.
- DS4PU is subject to considerations on Main Modifications and therefore can only be attributed limited weight at this stage. The location is not open countryside is immediately adjacent to St Bees. The Policy allows the delivery of housing where the site is well related to and directly adjoins an identified settlement boundary as in this case, the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes as it is in the case and the Council is unable to demonstrate a 5 year supply of housing. Whilst this would be a breach, it is the case that planning applications must be in accordance with the development plan when taken as a whole and not simply in all aspects, there is weight to be attributed to the benefits.
- This is consistent with the decision taken by the Planning Inspector in appeal APPP/Z0923/W/22/3304774 noting that *“the proposed development would be a suitable location for new housing Whilst there would be conflict with LP policy ST2, I attribute limited weight to the conflict with this policy given that it is deemed to be out-of-date. The proposal would comply with LP Policies ST1 and DM22, which collectively, and amongst other matters, seek to ensure that new development is accessible, minimises the need to travel, and provides sustainable transport infrastructure. Whilst there would be conflict with ELP policy DS4PU, I attribute limited weight to that conflict for the reason noted above. The proposal would meet the requirements of the National Planning Policy Framework (NPPF) in terms of providing housing where it will enhance or maintain the vitality of local communities, and actively managing patterns of growth to promote walking, cycling and the use of public transport , as an alternative to the private car’.*

Additionally, the site is garden land so already in residential use.

- This approach would be consistent with ref 4/20/2491/001 in which the Committee Report stated:

Principle of Development

The principle of new housing is supported in the Copeland Local Plan through strategic

policies ST1 and ST2 along with policies SS1, SS2 and SS3. These policies seek to promote sustainable development to meet the needs and aspirations of the Boroughs housing market, as well as having consideration for the requirements of smaller settlements within the Borough, which respect their scale and function.

St Bees is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

The application lies outside of the designated settlement boundary for St Bees, and as such, the proposal is in conflict with Policy ST2. Policy ST2 of the Copeland Local Plan states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Out of date includes where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In November 2020, Copeland Borough Council produced a Five Year Housing Land Supply Statement which demonstrates a 6.35 year supply of deliverable housing sites against the emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 55 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the Local Plan must still be considered out of date and only some weight can be given to their content as far as they are consistent with the provisions of the NPPF.

Consultation on the Local Plan 2017-2035 Preferred Options Draft (ECLP) ended in December 2020. The ECLP will, once adopted, replace the policies of the adopted Local Plan.

The ECLP has been drafted based upon an evidence base. The SHMA calculates a housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA,

development will be required beyond the existing development boundaries identified in Policy ST2 of the CS. The ECLP continues to identify St Bees as a Local Service Centre reflective of the number and type of services it contains and identifies a settlement boundary around the village. The ECLP continues to identify the Application Site as outside but directly adjoining the revised development boundary for St Bees. Whilst the proposed development is in conflict with the emerging policies and provisions of the ECLP, as the document is at an early stage of preparation and there are outstanding objections to the relevant policies applicable to this development, the identified conflict can be given little weight at present.

In the context of the provisions of Paragraph 11, the defined development boundary for St

Bees must be considered out of date. Paragraph 11 of the NPPF sets out that planning

permission should be granted unless:

i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the NPPF taken as a whole.

The site lies on the southern edge of the built up area of St Bees, and is considered to be

within walking from the local services within the village which includes a primary school,

nursery, Church, pubs, post office, shops, and community facilities.

In applying the provisions of paragraph 11:

- The site would assist in boosting housing supply to meet the identified need for housing in St Bees and the wider Borough;

- The proposed development comprising the erection of three dwelling is appropriate in size to the designation of St Bees as a Local Centre in accordance with the spatial objectives of Policy ST2;

- The site adjoins the existing settlement boundary and is located adjacent to the existing built form on the southern edge of St Bees;

- The Site is located in close and convenient proximity to the services and employment opportunities located within St Bees for which the settlement has been designated as a Local Centre in Policy ST2 of the Local Plan. The proposed development will support existing services and thus the aspiration of retaining these services;

- Some sustainable travel options exist within the vicinity, including St Bees Train Station and Hadrian's Cycleway, as per the provisions of Policy DM22 of the Local Plan.

- West Oxfordshire District Council v (1) Secretary of State for Housing Communities and Local Government(2) Roscoe Strategic Lane Limited [2018] EWHC 3065 noted that a Plan which is at an advanced stage in the examination process may only attract limited weight if there is further consultation to be carried out on main modifications - even if the Inspector has indicated that the Plan is capable of being found sound subject to the modifications.

Reason 2: . Due to the siting of the proposed development, it is likely to create adverse impacts on the amenity of the occupiers of the adjacent property Stoneycroft through overlooking. The proposed development would also result in an intensification of the existing residential access serving Stoneycroft which would result in an unreasonable loss of residential amenity for the existing and future occupants of the existing dwelling due to the proximity of the access to the dwelling and the detrimental impacts of the associated movements and disturbance this development would create. Consequently, this proposal would be in conflict with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

Response:

The proposed development site is on a public road with a public car park accessed under the railway bridge on a 24/7 basis. A further 5 dwellings are also accessed under the railway bridge which is directly in front of Stoneycroft. Any vehicle accessing the proposed property would drive across the front of Stoneycroft as at present. It is not considered that one additional unit would cause any demonstrable harm in this regard given the orientation of the properties and the levels of traffic which already use this route. The proposed dwelling is in line with development in this location. The proposed development would not cause any overlooking to Stoneycroft due to the distance between the properties. Only 2 windows in the proposed development would directly face Stoneycroft and these can be removed from the proposal drawings as a condition of granting planning permission. The access at Stoneycroft is no different to the access of Sea mill lane that is used to access around 50 properties the access at Stoneycroft would only be used to access 2 properties.

Reason 3: The proposed development by virtue of its elevated location, scale and developed form does not respond positively to the surrounding area and will result in adverse impacts upon the local landscape character by creating a prominent feature within this rural context. The proximity of the proposal to the adjacent Public Right of Way, which also forms part of the King Charles III England Coast Path, along with the proposed scale and form of the development will have a significant detrimental impact on the amenity of the users of the footpath and would result in a significant change in the character of the land within which the footpath is set. Consequently, the proposal would be in conflict with the provisions of Policy ENV5, Policy DM26 and Policy DM10 of the Copeland Local Plan 2013- 2028 and Policy H6PU and Policy N6PU of the emerging Copeland Local Plan 2017-2038.

- *Response:* No objection from natural England. The King Charles III England Coast path should have no impact on the development of the land as long as the footpath remains in place. The proposed development is not within the coastal margin side of the path and as such we fail to see how this would have any significant impact on the character of the land within which the footpath is set.

The dwelling has been designed to replicate Strandby House which was granted planning permission under reference 4/04/2275/0. It follows the same development form of the house: That is next door but one to the proposed site and built within the same hillside as Stoneysroft and the proposed site.

Whilst the dwelling matches Strandby House in relation to form and massing, the appearance has been reinterpreted to provide a more modern appearance. A street scene has been provided with the Design and Access Statement to demonstrate that

the ridge lines will follow though in order to provide a pleasing form and this will 'bookend' the linear development in this area.

The scale - which reflects that of the surroundings - is therefore considered to be acceptable. The house has been designed to increase design aspirations by working with the existing landform and its use of high quality materials. This will support the aim of Cumberland Borough Council to retain more people with managerial roles within the area. Given the size is exactly the same as an existing property in the immediate area, it cannot be concluded that the scale and massing is unacceptable in this area

This image, has been taken from Google, is the exact same house in terms of size and

with

massing
only the
external



appearance altered. It cannot be a sustainable concern that a house which would bookend the dwellings in this area is not appropriate in terms of size and scale, given the Council has previously considered this to be appropriate.

2.



:Sustainable Development: The NPPF places a presumption in Favor of sustainable development, which the proposed development satisfies by It is considered that the proposed dwelling meets all three elements of sustainability as defined in the NPPF. Those being social, environmental and economic

4. Benefits of the Proposal

In addition to complying with planning policies, the proposed development will offer significant benefits to the local area:

- **Economic Benefits:** The construction and subsequent occupation of the development will contribute to the local economy by employment of contractors for the build phase and a family that will also support the village economy with use of the local services.
- **Social Benefits:** The development will provide much-needed 4 bedroom family home in an area that has a high demand for these type of properties.

Conclusion

In light of the above arguments and evidence, I respectfully request that the Planning Inspectorate allow this appeal and grant planning permission for the proposed development at Stoneycroft, Sea Mill Lane St Bees CA27 0BD. The development is compliant with both local and national planning policy, addresses the reasons for refusal, and offers numerous benefits to the local community.

I trust that the Planning Inspectorate will give due consideration to the points raised in this statement and acknowledge the merit of the proposal.

Should you require any further information or clarification, I would be happy to provide additional supporting evidence.

Thank you for your consideration.

Signed:

Lee Grundy
Owner of Stoneycroft
Stoneycroft, Sea Mill Lane St Bees, Cumbria, CA27 0BD