

Local Planning Authority Appeal Statement

Appeal By:

Mr Keith Adams

Appeal Reference:

APP/Z0923/W/23/3314416

Local Planning Authority Reference:

4/22/2274/0O1

Proposal:

Outline application for proposed residential development of two dwellings with details of proposed access and all other matters reserved

Site Address:

Beckside Farm, Distington

1. Decision of Local Planning Authority:

1.1 Reasons for Refusal

- 1) The proposal would be sited on land that is outside any recognised settlement boundaries for Copeland. The application has been submitted without any justification for the open countryside location. The proposal is therefore considered to be contrary to Policy ST2 of the CS, DS3PU and DS4PU of the ELP and paragraph 11 of the NPPF.
- 2) Due to the topography of the site, the proposed dwellings would be visually prominent creating an unacceptable impact on the surrounding landscape. Furthermore, the dwellings would create an unsympathetic development on land that is designated as sensitive urban fringe. The proposal is therefore considered to be contrary to policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the ELP, the Cumbria Landscape Character Toolkit, The Copeland Landscape Settlement Study July 2020 and the provisions of the NPPF.

2. Statement of Case:

2.1 Site and Location

This application relates to the property known as Beckside Farm, a small collection of buildings which lies to the east of the main settlement of Distington. The site is flanked by the minor road which runs from Distington towards Gilgarran.

The site is accessed from a lane running from the west which serves the two existing dwellings at Beckside Farm. In September 2020, planning permission was approved for the demolition of the existing barn and its replacement with a new dwelling on the site. Further approval was granted in August 2021 for the erection of a second dwelling, to the east. This was approved as the Local Planning Authority could not demonstrate a 5 year land supply at that time.

Proposal

This application seeks to establish the principle for developing the site for two further residential properties including full details of access. All matters relating to layout, scale, appearance, and landscaping are reserved for subsequent approval.

An indicative layout plan has been submitted with this application to show how the site could be designed to accommodate two dwellings. Access would be taken from the existing gateway to the south of the site.

This application is accompanied by the following information:

- Site Plan;
- Indicative Block Plan;
- Visibility Splay Plan;
- Planning Statement.

Relevant Planning History

Alterations and extensions to existing farmhouse, approved in March 2018, application reference 4/18/2012/0F1 relates;

Conversion of vacant former barn/farm building to residential dwelling, approved in March 2018, application reference 4/18/2014/OF1 relates;

Erection of cabinet makers workshop and store with associated parking and forecourt service area, approved in August 2018, application reference 4/18/2262/OF1 relates;

Demolition of farmhouse and replacement dwelling, approved in September 2020, application reference 4/20/2181/OF1 relates;

Demolition of existing barn and erection of dwelling, approved in August 2021, application reference 4/21/2143/OF1 relates;

Demolition of farmhouse and replacement dwelling, approved in September 2021, application reference 4/20/2181/OF1 relates;

Erection of new detached garage with access onto existing layby to replace pedestrian gate, approved in July 2022, application reference 4/22/2225/OF1 relates.

Consultation Responses

Cumbria Highways

1st response

The layout design within the site is acceptable given the existing access would serve four dwellings and exceeds the 4.1m in width for the first 10m from the carriageway edge requirement for Private Shared Driveway as per the Cumbria Design Guide. There is 6m of turning space for the two proposed dwellings allowing vehicles to manoeuvre into the parking spaces.

However, as the two proposed dwellings will mean an increase of use for this site, I would ask that visibility splays are submitted where the layby joins the main road, C4011. A plan should be submitted showing the required visibility splay for a 60mph speed road which should be 215m at the minimum in both directions setback by 2.4m and at a height of 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. The latter dimension is used to ensure small children can be seen. Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicants ownership.

If the required visibility splays cannot be achieved, we would strongly recommend they carry out a speed survey or show speeds reflect the required visibility splays.

Upon receipt of the visibility splays, I will be better placed to provide a final response.

2nd response

Further to my response dated 27/07/2022, I can confirm the C4011 at this location has a 40mph speed limit in place rather than the 60mph I originally stated. This would therefore mean visibility splays of 120m in both directions is required without accompanying speed survey results. The visibility splays demonstrated on the recent 'Visibility Splays' plan dated 28/09/2022 show visibility of 102m east and 132m west. The westerly splay crosses the centre of the carriageway which does not show accurate and safe visibility.

Please could the applicant submit an amended plan showing 120m visibility splays in both directions measured from a point of 2.4m into the site off the carriageway edge and measuring to the nearside kerbline. Upon receipt of this plan I will be better placed to make a final recommendation.

3rd response

Following the submission of the amended visibility splays from the eastern access to the layby dated 18.10.2022 I can confirm the Local Highway Authority raises no objections to this proposal.

I would recommend the following conditions are included with any permission you are minded to grant:

1. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason: In the interests of highway safety.

2. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety.

United Utilities

No objections, subject to drainage being installed in accordance with the drainage hierarchy and an informative relating to building close to United Utilities infrastructure.

Flood and Coastal Defence Engineer

The Flood Map for Planning shows the proposed development lies in Flood Zone 1. Flood Zone 1 comprises land assessed as having a less than 0.1% annual probability of river or sea flooding.

All uses of land are appropriate in this zone.

For development proposals on sites comprising one hectare or above, the vulnerability to flooding from other sources as well as from river and sea flooding,

and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effects of the new development on surface water run-off should be incorporated in a Flood Risk Assessment. This need only be brief unless the factors above or other local considerations require particular attention.

In this zone developers and Local Authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the appropriate application of sustainable drainage systems.

The Flood Risk for Surface Water Map shows the proposed development lies in an area at a very low risk of surface water flooding.

As the area development site does not exceed 1.0 hectares, a Flood Risk Assessment (FRA) is not required.

GENERAL COMMENTS

It is proposed that surface water is to be disposed of means of discharge to a watercourse.

In the first instance disposal by means of infiltration should be considered, but if this is not feasible, then disposal to watercourse would be an acceptable alternative.

Distington Beck, a "Main River" lies just to the north and the enforcing authority for this watercourse is the Environment Agency.

Should infiltration not be feasible, then discharge to Distington Beck should be limited to greenfield run off rates for a 1 in 100 year storm, plus a 40% climate change allowance, plus a 10% allowance for urban creep, with a suitably constructed outfall. This should also conform to any requirements imposed by the Environment Agency.

SUGGESTED CONDITIONS

As the site is in Flood Zone 1, with a very low risk of surface water flooding, at outline application stage, it is only necessary to demonstrate that the site can be adequately drained. It is proposed to discharge to watercourse, which would be feasible, however, in the first instance infiltration should at least be considered.

Therefore a condition should be included based on the drainage hierarchy, along the lines of:

- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water.
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations).
- A timetable for its implementation.

SUMMARY

As the proposed development is at a low risk of flooding and can be drained in a sustainable manner, I have no objection to the proposed development.

Emergency Planning Officer

The Cyclife UK Ltd site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019. However, it has been established that there is no emergency planning zone required for this site.

There are no objections to the proposed works.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles
Policy ST2 – Spatial Development Strategy
Policy SS1 – Improving the Housing Offer
Policy SS2 – Sustainable Housing Growth
Policy SS3 – Housing Needs, Mix and Affordability
Policy T1 – Improving Accessibility and Transport
Policy ENV1 – Flood Risk and Risk Management
Policy ENV3 – Biodiversity and Geodiversity
Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place
Policy DM11 – Sustainable Development Standards
Policy DM12 – Standards of New Residential Developments
Policy DM22 – Accessible Developments
Policy DM24 – Development Proposal and Flood Risk
Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)
National Design Guide (NDG).
Cumbria Development Design Guide (CDG)
Strategic Housing Market Assessment 2021 (SHMA)
Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)
The Cumbria Landscape Character Guidance and Toolkit (CLCT)
Copeland Landscape Settlement Study (CLSS) July 2020
Five Year Housing Land Supply Statement 2023

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been subject to an examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

The policies relevant to this application are:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy
- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk Policy
- Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Policy H8PU - Affordable Housing
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks
- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection
- Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

Principle of Development

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Review. Cumberland comprises the areas formerly known as Copeland, Allerdale and Carlisle. At present, until a Cumberland Council Local Plan can be formed, each area will still rely on their own adopted Local Plans to make decisions within the relevant geographic areas.

The key issues raised by this outline planning application relate to the principle of the development; design and impact on residential amenity; landscape and visual impacts; drainage and flood risk; and highway safety.

The application site lies close to Distington and is located roughly 200m directly to the east of the defined settlement boundary. Policy ST2 of the CS identifies Distington as a Local Centre where small extension sites on the edge of the settlement is possible.

The Core Strategy identifies the site as being outside of, but close to the settlement boundary for Distington. Sites outside of identified settlement boundaries are classed as being in the open countryside, meaning their development would be contrary to policy ST2, however, there is scope for small developments close to the settlement boundary.

Policy ST2 of the CS 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 74); 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 2023, Copeland Borough Council produced an updated Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement and a 191 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 parts of Policy ST2 which refer to settlement boundaries policies in the CS must still be considered out of date, regardless of the housing land supply position. This is because the development of the Emerging Copeland Local Plan (ECLP) has indicated that in order to meet housing needs identified in the SHMA, development will be required outside of those boundaries over the Plan period. Given this, these parts of the policy are not considered to accord with the NPPF which requires local authorities to significantly boost housing land supply and can therefore be given little weight in the decision-making process.

Consultation on the Emerging Copeland Local Plan 2017-2035 Publication Draft (ECLP) ended on 18th March 2022. The ECLP submission draft (January 2022) and addendum (July 2022) have recently been subject to an examination by the Planning Inspector. Once adopted these will replace the policies of the adopted CS.

The ECLP has been drafted based upon an evidence base of documents which includes an updated Strategic Housing Market Assessment (SHMA). The SHMA calculates 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 Distington as a Local Service Centre, where the focus is on town centre developments, medium scale housing extensions, windfall and infill development. Policy DS4PU accepts development outside the settlement boundaries where the site is well related to the existing settlement and where it is physically connected to the settlement.

The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Whilst the Local Plan has not yet been adopted, it can be given a reasonable amount of weight, based on the guidance provided by paragraph 48 of the NPPF. Weight may be given dependent on whether the policy has outstanding objections, and the significance of objections. No objections have been received in relation to the settlement boundary at Distington and therefore it is considered that the proposed settlement boundary carries moderate weight.

In the context of the above, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application to be considered out of date and it required that planning permission 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.

In applying the provisions of Paragraph 11:

- the Application Site would assist in a very small contribution to housing supply within the Borough as detailed in Policy ST2 of the CS and the ECLP as required by the NPPF;
- the proposed development comprising the erection of 2 no. dwellings would not create a material increase in the level of housing in Distington, however, would be a 50% further increase on this rural site;
- the Application Site is located outside of the defined development boundary in Policy ST2 of the CS, however, it does benefit from a safe and achievable walking route to Distington.

- Sustainable travel options exist within Distington with bus services running close to the site and walking distances to services suitable for those that can be reasonably expected as required by Policy DM22 of the CS.

Whilst the site has a recent planning history of new dwellings, these were allowed by exception as a replacement dwelling and a new dwelling with a fallback position of an approved barn conversion. The situation of the plots is within a close proximity to the existing settlement boundary for Distington with safe walking routes and the existence of sustainable transport options. The site is located around 200m directly from the existing settlement boundary for Distington. Any approval of this application is likely to create a precedent, allowing further urban sprawl and rendering the settlement boundaries obsolete.

Overall, it is considered that the principle of the development is contrary to Policy ST2 of the CS, DS3PU and DS4PU of the ELP and paragraph 11 of the NPPF, creating residential properties in an area outside the designated settlement boundaries. The LPA can demonstrate a 5 year land supply and the Policies within the ECLP reflect the guidance set out in paragraph 80 of the NPPF which seeks to resist unjustified housing in the open countryside.

Design and Impact on Residential Amenity

Policies ST1, DM10, DM11, and DM12 of the Local Plan, Policy DS6PU of the ELP and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

As this application is in outline form only, details of the scale and appearance of the dwellings are reserved for subsequent applications. The application is accompanied by a block plan to show how the site could accommodate two dwellings, however these are indicative only and do not form part of any approval. The impact on residential and the wider amenity of the area would therefore be considered further as part of any subsequent reserved matters applications, however it is considered that a development of two dwellings in the position shown are likely to meet the required separation distances set out within Policy DM12 of the Copeland Local Plan. The supporting Planning Statement details that the applicant wishes to develop dwellings that are similar to the neighbouring dwellings, however, due to the topography of the site, it may be that single storey dwellings are more acceptable in order to reduce their impact and ensure the amenity for neighbouring properties.

On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan and the NPPF.

Settlement Character, Landscape and Visual Impact

Policy ENV5 of the CS and N6PU of the ELP states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the

development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The Cumbria Landscape Character Guidance and Toolkit (CLCT) defines the site within the category 5d "Urban Fringe". The guidance warns against urban development encroaching on the countryside and that the expansion of villages can lead to a lack of identity and poor definition between town and country. Green areas should be protected from sporadic and peripheral development with the retention of green gaps.

The Copeland Landscape Settlement Study (CLSS) July 2020 was commissioned as part of the evidence base to support the ECLP. This study has been undertaken by Copeland Borough Council to assist decision makers when considering development applications and allocations. It has concentrated on the main areas of search for development and on specific development scenarios (residential, light industrial, green infrastructure). The main objectives of the study are:

- To provide a tool for decision making in the development management process;
- To inform planning policy formation;
- To guide landscape management decisions;
- To assist in defining settlement development boundaries;
- To form part of the evidence base for The Local Plan Review and subsequent policy documents

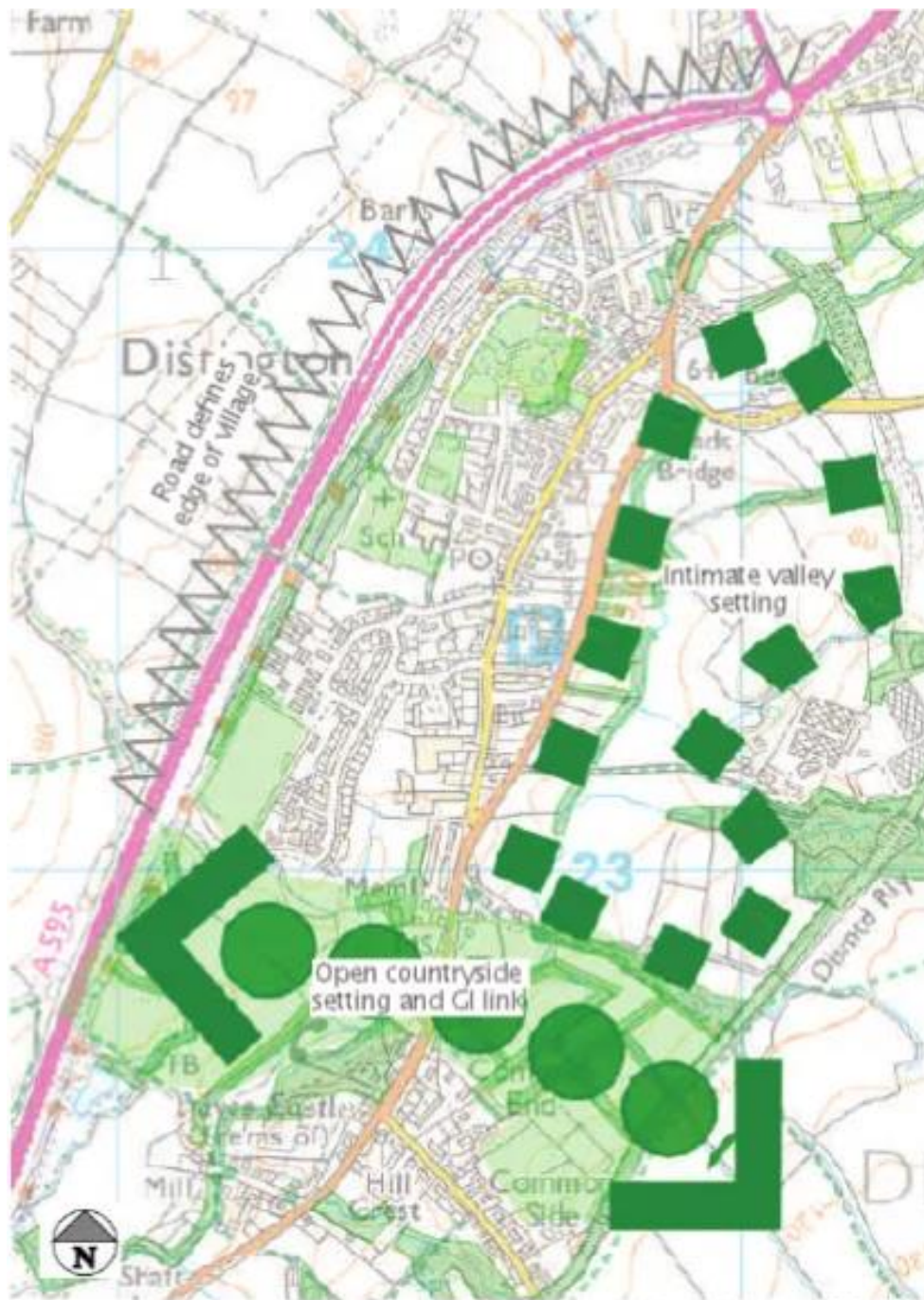
The study draws on the existing evidence base (The Cumbria Landscape Character Guidance and Toolkit 2011) and the Natural England guidance on landscape sensitivity and landscape character assessment (An Approach To Landscape Sensitivity Assessment To Inform Spatial Planning And Land Management 2019).

The Study characterises the area as 5Dii "Distington Valley Sides". In terms of sensitivity it states "The landscape flow between Lowca valley and moorland edge landscape is sensitive to over development of the green wedge to the south of the village. However, sympathetic development could help to integrate the village better into the landscape.

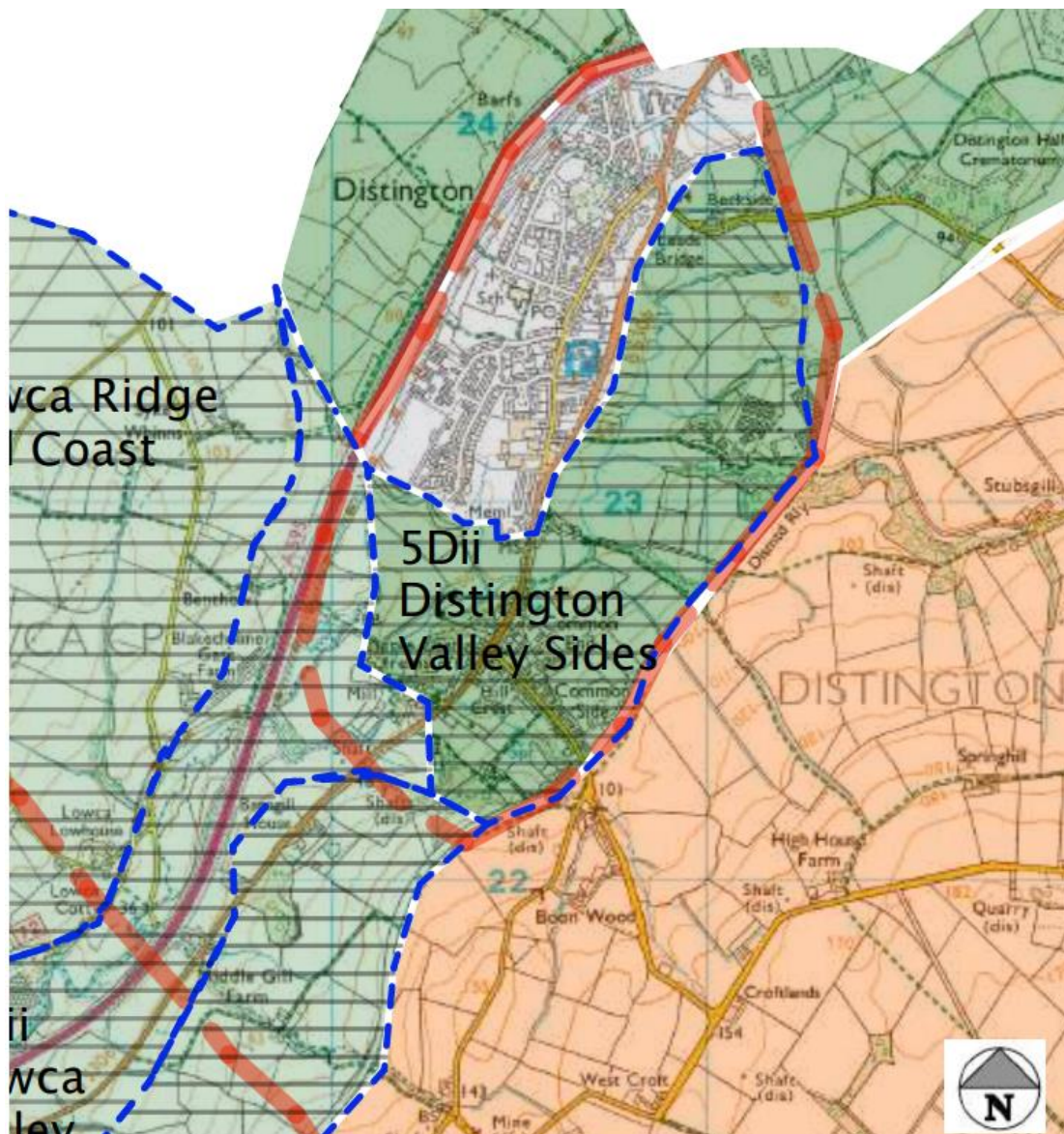
The intimate valley landscape to the east of Distington is sensitive to development".

The document states that "the intimate valley landscape to the east of Distington is sensitive to development".

The sensitive area is denoted by the green squares on the Plan shown below which is an extract from Part 3 of the Study – Settlement Studies.



Excerpt below is taken from the “Copeland Landscape Settlement Study, July 2020, Part 2: Landscape Character and Sensitivity Assessments V5”, page 54.



The application site lies close to existing dwellings situated to the north and east. Presently, the dwellings are of low impact due to their situation within the site and at the bottom of the sloping landscape. Due to the topography of the land, the dwellings are likely to sit at a lower level than the road, however they will be visually prominent within the landscape creating a noticeable development within the open countryside setting. There are established boundary hedges surrounding the site, however, these are unlikely to mitigate any corrosion on the long views of the site. On balance, whilst the dwellings will be situated on land lower than the road level, they will still be visually prominent and are likely to create significant harm to the open character of the surrounding landscape, the sensitivity of which is assessed under the CLSS.

The proposal is therefore considered to be contrary to policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the ELP, the Cumbria Landscape Character Toolkit, The Copeland Landscape Settlement Study July 2020 and the

provisions of the NPPF which seeks to protect the countryside from sporadic non-essential development.

Drainage and Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan and DS8PU and DS9PU of the ELP reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 1, therefore a Flood Risk Assessment has not been submitted to support this application. No details have been provided with regard to how this proposal will deal with surface or foul water. Although UU have raised no objections to this development they have stated that they will require evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

The inclusion of an appropriately worded planning condition for any approval would secure proper drainage within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policy ENV1 and Policy DM24 of the CS, the ELP and the provisions of the NPPF.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of new housing on the Boroughs transportation system. Policy DM22 of the CS and CO7PU of the ELP requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The site will be accessed from the existing road network to the east, leading from Distington to Gilgarran. Whilst the access gate is existing, the proposal would result in the intensification of the junction onto the main road. The Highway Authority requested that a plan be submitted to show the visibility splays from the proposed access point for the dwellings. The Applicant was able to demonstrate the required splays of 2.4m x 120m in both directions and this was considered acceptable to the Highway authority, subject to conditions to ensure the surfacing of the access drive and the lowering of any boundary wall adjacent to the highway.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site.

On this basis the proposal is considered to be compliant with Policy DM22 of the CS and CO7PU of the ELP.

Planning Balance and Conclusion

The Council can demonstrate a five year supply of deliverable housing sites as identified in the updated Housing Land Supply Position Paper 2023, however as stated above, one of the most important policies relating to the application is partly out-of-date, albeit for a different reason. The tilted balance is therefore engaged.

Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- I. “the application of policies in this Framework 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 this Framework taken as a whole”

The proposed development is in clear conflict with the provisions of Policy ST2 of the CS with regard to the location out with the settlement boundary of Distington, however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

In terms of paragraph 11 of the NPPF, the benefits arising from the proposal in terms of 2 dwellings are limited to the construction phase and any contribution to housing supply will be limited. The development will also not meet any local housing need. The adverse impacts of dwellings in this sensitive location which occupies an elevated and prominent position within the local landscape are considered to significantly and demonstrably outweigh these minor benefits.

Whilst the site is located close to the existing settlement boundary for one of the Borough's Key Service Centres and with safe walking routes to the services it contains, it is outside the defined settlement boundary with no identified need for the rural location. Furthermore, any approval of this development is likely to set a precedent causing urban sprawl and the loss of open countryside on the edge of Distington. The development is likely to create a negative impact on the surrounding open landscape and will be contrary to the CLCT and the CLSS, creating an insensitive use and loss of the current green gap to the east of Distington.

As the application is in outline form only no details have been provided with regard to the scale or appearance of the proposed dwellings, however it is considered that any development on this site can achieve the required separation distances and be of a similar form and appearance to the existing dwellings on the site.

Due to the surrounding road network and achievable visibility splays, the introduction of two dwelling is not considered to have a significant material impact on the existing highway. Details of drainage can be secured by appropriately worded planning conditions.

On balance, the proposal is considered to be contrary to policies relating to the principle of the development and settlement character and despite the compliance of other material considerations, these concerns are considered to tip the planning balance Against the proposal when considered against the adopted and emerging Local Plan policies and the NPPF when taken as a whole.

Planning Conditions

If the Inspector is minded to approve the development the LPA would request the imposition of the following conditions:-

Standard Conditions

1. The layout, scale, appearance and landscaping shall be as may be approved by the Local Planning Authority.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be commenced not later than the later of the following dates:-

- a) The expiration of THREE years from the date of this permission

Or

- b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Site Location Plan, scale 1:1250, received 27th June 2022;

Visibility Splays, scale 1:1250, received 19th October 2022.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Prior to the commencement of development conditions

4. Prior to the commencement of development hereby approved, a full surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

Prior to use conditions

5. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

6. Any existing highway fence/wall boundary must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and must not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

Other conditions

7. Foul and surface water must be drained on separate systems.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

8. The site hereby approved for development must not exceed two residential properties.

Reason

To ensure that the site does not suffer from overdevelopment, in accordance with Policies ST1 and DM12 of the Copeland Local Plan.

Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2. United Utilities may not allow building over or in close proximity to a public sewer.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developers should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.