



# Groves Town

## Planning LTD

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Client	St Bees Parish Council
Document Title	Objection to Planning Application
Version/Date	V1 2 February 2024
GTP ref	2401006
Application reference	4/23/2394/OF1
Applicant	Sunshine Properties West Coast Ltd
Site	LAND AT NETHERTOWN ROAD, ST BEES

## 1 Introduction

1.1 Groves Town Planning is instructed to review and submit an objection on behalf of St Bees Parish Council in respect of the above described application for planning permission.

1.2 This statement covers the following matters

- Summary of key issues
- Site description
- Development description
- Planning history
- Policy appraisal
- Analysis
- Conclusions

1.3 The Parish Council is a statutory consultee in respect of the form of planning application now submitted.

## 2 Summary of Key Issues

2.1 On consideration of development plan policy and other material considerations, it is the conclusion of this statement that the proposed development does not comply with provisions of the development plan and raises issues in respect of those other material considerations. There is a sound basis on which to refuse the application.

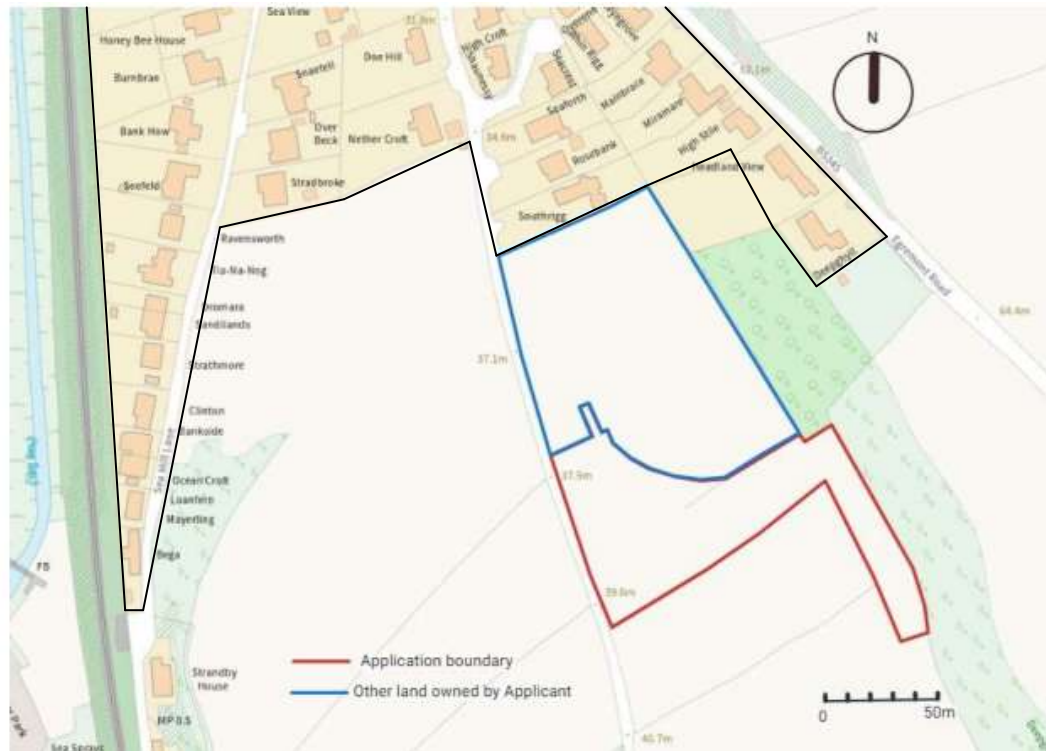
2.2 Key issues which enable this conclusion to be reached include:

- The proposed development is inaccurately presented and described.

- The application site is located outside any settlement boundary
- The application site located within a rural area.
- The submissions made with application fail to address policies DM8 and DM9 of the Copeland Local Plan.
- The current Local Plan is not out of date in respect of the issues considered with this application.
- The proposed development is not consistent with the provisions of the development plan, it is not sustainable development and does not therefore attract the presumption in favour of granting planning permission.

### 3 Site Description

3.1 The application site is described by the applicant as being adjacent to the settlement established settlement boundary of St Bees. That is clearly not the case.



3.2 The black line added to the applicant's location plan provides illustration of the separation from the settlement boundary.





3.3 Aerial and street views of the application site show the land to be open, undulating grassland, typical of that which provides the wider setting for the village of St Bees.

3.4 The site is relatively close to facilities within the village and to the sea shore, but the location of roads and public footpaths do not provide direct routes and walking distances are far greater than direct linear distances.

#### 4 The proposed development

4.1 The application is presented as a change of use of land for the siting of holiday pods. This description is meaningless in terms of defining a formal type of development. The wider description of the development introduced by the Council is a much more accurate assessment of the scale and nature of the proposal. However, even that description fails to note the extent of building and engineering operations involved in the proposal.

- 4.2 Each of the “pods” is to be placed on excavated and engineered plots. In some cases excavation will exceed a metre into the hill side on which the buildings are to be located. It is unclear from submissions how the base on which the pods will stand will be formed, but would appear that this will consist of an area excavated and filled to provide a solid foundation for the buildings.
- 4.3 The site is access via a tarmac road extending across the whole extent of the site. Again, the road appears to be relatively sophisticated in its construction, the use of tarmac implying a degree of engineering. Although not clarified in sections, site plan SP/01 and WW/L03 landscape drawing – imply that the access road will require excavation and re-profiling with the formation of embankments either side.
- 4.4 Development also arises as the result of the installation of drainage and services which require engineering operations to be installed.
- 4.5 There is no obvious indication as to where the proposed solar panels will be located.
- 4.6 There is also a wide range of ancillary elements which of themselves require planning permission – areas of hardsurfacing, decking, attenuation tanks and sewerage infrastructure, the play equipment, what appears to be a hot tub and solar panels.
- 4.7 The proposal relates to 5 holiday pods. Submissions note that 12 parking spaces are provided. Plans show 14. The layout plans for the pods, show accommodation for just 2 people, which would question the need for this number of spaces, or allude to greater potential occupancy than suggested. The nature of

accommodation might also question where children using the elaborate play area might be accommodated!

4.8 The applicant claims that the proposed development is equivalent to a caravan in terms of statutory definitions. No explanation is provided in support of this contention.

4.9 The Caravan Sites and Control of Development Act 1960 defines a caravan as "*any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted*".

4.10 The decision as to whether a structure is a building or otherwise commonly relies on the "Skerritts" test. See *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and Regions (No 2)* [2000] JPL 1025. This uses three tests to consider whether a structure might be a building – size, degree of permanence and degree of attachment.

4.11 In this case the base of the pods each measures 8070 by 3250mm and 2750 in height. Each pod is reasonably substantial, with the manufacturer's website showing construction of solid timber framing. It is understood that such structures are manufactured off site, transported on specialist vehicles and craned into position. They are heavy and held in position by their own weight. They are effectively attached to the ground and not designed to be moved.

4.12 Each pod would sit on a prepared base and would be enclosed by decking. Each pod would be permanently connected to electrical, water and drainage services. Once in place the structures are likely to remain where they are.

4.13 As a matter of fact and degree, the pods have a sufficient size, degree of permanence and physical attachment to the ground to be buildings. Therefore, they are development as defined by s55 (1) of the 1990 Act.

4.14 It is evident that the proposal goes well beyond the simple change of use of land and involves extensive operational development.

## 5 Planning History

5.1 Planning application 4/20/2491/0 - Outline application for residential development  
- Land to South of Southrigg, Nethertown Road, St Bees – Approved

5.2 Planning application 4/21/2368/001 - Outline application for a residential development with all matters reserved land at Nethertown road, St bees – Approved

## 6 Policy appraisal

6.1 The Core Strategy and Development Management Policies DPD (adopted 5 December 2013) forms the main part of the Development Plan for the Copeland Area.

6.2 Whilst the Council has experienced issues relating to housing supply, this has largely been resolved through interim policy and reference to later versions of the SHLAA.

6.3 This means that the provisions of paragraph 11 of the NPPF which provide for a presumption in favour of sustainable development – and a presumption against development which is not – still rely on the provisions of a local plan even where the end of the plan period has been reached. Paragraph 11d. In other words the



provisions of the 2013 Plan remain relevant in terms of the location of the application site beyond the settlement boundary of St Bees as currently defined.

(see *Peel Investments (North) Ltd v Secretary of State for Housing, Communities & Local Government* [2020] EWCA Civ 1175)

6.4 It is considered arguable whether the Council's decision to grant planning permission for residential development on land adjacent to the application site was correct, but that related to a different form of development with different material considerations which are not applicable to this development.

6.5 The applicants are effectively arguing that the settlement boundaries defined in the development plan can be given no weight and definition will only come when a new plan is adopted. This is a misinterpretation of the approach to be applied when giving weight to adopted and emerging development plans. The argument is further weakened by the fact the submission draft of the local does not propose alterations to this part of the St Bees settlement boundary.

6.6 Paragraph 48 of the NPPF provides guidance on the weight to be given to an emerging plan. Given the stage reached by the emerging Copeland Local Plan 2021-2038 little or no weight can be afforded to its policies.

6.7 The following policies are of relevance

- ST1 – A general strategic policy seeking to ensure that new development meets the definitions of sustainable development presented through para 2 of the NPPF
- ST2 – Amongst other requirements this policy seeks to prevent development outside defined settlement boundaries unless there is proven requirement for development in such a location. An exception is made for

tourism development, but subject to the wider policy objectives of the Plan as a whole.

- ER10 – seeks to encourage tourism based development which supports economic growth of existing key centres – which do not include St Bee's, which do not compromise the qualities of the area and comply with DM8 and DM9
- DM8 – seeks to control tourist related development outside the Tourism Opportunity Sites. Tourism facilities will be permitted in rural areas where it involves small scale development and it:

A Is demonstrated to be necessary for enhancing the natural, cultural or heritage value of the place-bound asset;

or it B Involves the re-use, conversion or replacement of existing buildings on site

The development of new or extended buildings will only be considered favourably where there is a robust case that demonstrates that there is a genuine need that cannot be met through the conversion of existing rural buildings.

The reason for the policy is notes the need of new development to be balanced carefully with avoiding any unnecessary impacts of tourism related development on rural areas and the very assets that developments seek to promote. A carefully managed approach is therefore necessary to ensure that an appropriate balance can be struck between raising the profile of the Borough through its assets and the potential impacts of development, especially in rural locations.

- DM9 – This policy includes provisions for new camping development. Proposals for new holiday caravans, chalets and/or camping sites or extensions to existing sites have adequate access arrangements and possess a high level of natural screening which, where necessary, is capable of reinforcement and extension.
- DM10 – Achieving Quality of Place. The Council will expect a high standard of design and the fostering of 'quality places'. This policy is now reinforced by the December 2023 version of the NPPF section 12 which has added the word beautiful to previous similar sections of earlier versions of the NPPF
- DM11 – This policy relates to the delivery of sustainable development. This policy relates to a limited definition of sustainability relating to the use of resources and energy efficiency as opposed to the wider requirements of ST1 and paragraph 8 of the NPPF

6.8 It is generally considered that the proposed development is inconsistent with development plan policy. Development is contrary to provisions of the development plan which remain a relevant and appropriate starting point for the decision making process. The proposed development is not sustainable in terms of policy ST1 or paragraph 8 of the development plan.

6.9 Further the development fails to satisfy the more detailed policies of the Local Plan. The application site lies outside any site allocated for development including tourist development. Appraisal below will demonstrate that the extent and nature of the development is such that it fails to meet the requirements of policy in terms of impact on the character and appearance of the area with any benefits to the locality being extremely limited.

## 7 Analysis

- 7.1 It is considered that the proposals represent significant physical changes to an area of open rural landscape.
- 7.2 The proposals entail the construction of permanent buildings and the introduction of a wide range of engineered physical alterations to what is currently an undulating field.
- 7.3 The site is located beyond any defined settlement boundary. There is no indication that this boundary will need to be changed. Whilst it is noted that some uncertainty over housing land supply had been presented as justification for previous development on adjoining land this does apply to this development or this site.
- 7.4 There absolute and clear logic to Local Plan policies ST1 and ST2 in containing the limits of the built area of St Bees. Whilst historic development has tended to extend in a linear fashion along the main routes through the village, this has logically been contained by a development boundary which prevents further expansion into open countryside. To allow further development, would harm the character and appearance of the locality and would undermine the historic pattern of development and the setting of the existing built up area in rural surroundings. Development is clearly contrary to ST1 and ST2, ER10 and DM 8,9,10 and 11.
- 7.5 The proposed development in further extending the linear form of the settlement, sitting as a prominent developed area beyond the confines of the build area would run contrary to the provisions of policy.
- 7.6 Current policy guidance in the form of the NPPF places increasing emphasis on the need to protect and create a sense of place and to reflect on the need to ensure

that beauty of locations, urban and rural, developed and undeveloped are protected. "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve". NPPF para 131.

7.7 In contrast to the applicant's view of the location, the site is prominently located on a slope which rises from a public road to the woodland which sits on the crest of the hill to the east of the area to be developed.

7.8 Submissions made with the application are not a proper landscape appraisal and do not properly analyse the qualities of the existing landscape. The Council has previously secured a landscape assessment to support the emerging local plan. This recognises the area to the south of St Bees as the Sandstone Coastal Downs. The application makes no reference to this appraisal, the general characteristics of this landscape type or the way in which the proposed development would interrupt and intrude on these characteristics.

7.9 Landscape proposals are superficial, lack detail and are tokenistic.

7.10 Natural England assess the application site as located on Good to Moderate in the Agricultural Land Classification. It is normally expected that justification should be provided for development of such land. No such submissions are made with the application.

7.11 The application site has not been properly assessed in terms of consideration of any ecological value. At the very least a preliminary ecological assessment should have been carried out. The NPPF section 12 creates an expectation that development of the site should address the scope to contribute to biological net

gain. Paragraph 180(c) also references the need for new development to maintain the character of undeveloped coast.

### 8 Conclusions

- 8.1 The proposed development is of a substantial form and character. Description of the development as presented by the applicants significantly understates the nature and extent of the proposals and their impact.
- 8.2 The development is contrary to provisions in the development plan which seeks to limit the extent of urban development and incursion into the open rural landscape. As such the proposal fails to meet the objectives of development plan policies ST1, DM8 and DM 9.
- 8.3 The proposal extends the village settlement boundary without justification.
- 8.4 The proposal has an adverse impact on the character and appearance of the area in which it is located contrary to the provision of development and national planning policy.
- 8.5 The application should be refused