

Proud of our past. Energised for our future.

Town and Country Planning Act 1990 (As amended)

4/16/2163/001

NOTICE OF REFUSAL OF CONSENT

Telford Planning Associates
1 Whinbarrow Close
Aspatia
WIGTON
Cumbria CA7 3HE
FAO Mr Eric Telford

OUTLINE APPLICATION FOR ERECTION OF FIVE DWELLINGS
LAND ADJACENT TO WESTLAKES HOTEL, GOSFORTH, SEASCALE
Mr and Mrs G Armstrong

The above application dated 17/05/2016 has been considered by the Council in pursuance of its powers under the above mentioned Act and has been REFUSED for the following reason:

In the absence of a demonstrable local or affordable need, the erection in outline of five dwellings on this isolated greenfield site in open countryside and outside any designated development boundaries represents an inappropriate form of housing development contrary to Policies ST1, ST2, SS1, SS2, SS3 and ENV5 of the adopted Copeland Local Plan 2013-2028 and the provisions of the National Planning Policy Framework

Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.

Please read the accompanying notice

21/12/2016

N. J. Haymer

P.P. Pat Graham
Managing Director



Appeal Decision

Site visit made on 18 June 2015

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 July 2015

Appeal Ref: APP/G0908/W/15/3005159

Land at Kirkborough, Ellenborough, Maryport, Cumbria

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Harker against the decision of Allerdale Borough Council.
 - The application Ref 2/2014/0560 was refused by notice dated 14 October 2014.
 - The development proposed is the demolition of an agricultural building and erection of a single, detached dwellinghouse with detached garage and stable block.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The site is accessed by an existing track and is close to two existing houses. The Council are concerned with regard to the proposed dwelling rather than the stable block and I have considered the development on that basis.
 4. Policy S3 of the Allerdale Local Plan 2014 sets out a hierarchy with regard to the location of new housing development and is clear that outside the settlements, new development should be limited. It describes the type of development that would be accepted within the countryside but this proposal does not fall within any of the categories listed. **This site lies well beyond the settlement limits defined by the Allerdale Local Plan 1999.**
 5. **The settlement limits are now of some age.** However, the Council advise that they are able to demonstrate a five year supply of housing, as required by the *National Planning Policy Framework*. This is not disputed by the appellant. The appellant does suggest however, that to achieve this supply, development beyond the existing defined settlement limits would be necessary. This has not been disputed by the Council. **An up to date housing allocations document has not yet been adopted. I therefore agree with the appellant that full weight should not be afforded to the exact alignment of the settlement limits.**
 6. **The defined limits do however still provide the basis for the recently adopted Local Plan policy.** I have been provided with no evidence to suggest that the
-

boundary of the settlement, close to the appeal site, is likely to be altered or that significant development is likely in the vicinity. In these circumstances, I am satisfied that significant weight can be afforded to the general position of the boundary of the settlement when considering this particular proposal. In any event, the appeal site remains a significant distance from the defined boundary. Rather than extend the built up area, the proposed development would actually consolidate existing development that lies in open countryside, clearly separate from, albeit relatively close to, the settlement boundary.

7. A new dwelling in this location would be contrary to Policy S3. Accepting development in the countryside, contrary to the development plan and without clear justification, would undermine its objectives. This policy is fully compliant with the *Framework*. Given my view with regard to the settlement policy boundary and the lack of any evidence to contradict the Council's assertion with regard to the housing supply position, I am satisfied that considerable weight should be afforded to this policy conflict.
8. I acknowledge that the position of the property, only a short distance beyond the settlement boundary, ensures that it is not in an entirely unsustainable location. The dwelling would also replace an existing agricultural barn. The proximity to local services and to public transport routes provides considerable weight in its favour and gains support from the sustainability objectives of the *Framework*.
9. Although very close to two other houses, these are set in the countryside and are separate from the main area of development. This dwelling would also be clearly separate from the settlement and would represent an isolated dwelling in the countryside. Consolidating and expanding this area of outlying development would result in harm to the character and appearance of the area. It would be in direct conflict with the requirements of the *Framework* with regard to new isolated homes in the countryside.
10. Reference has been made to an appeal decision in a neighbouring authority. It would appear from the decision letter that the proposed house would not have been separated from the main area of the settlement by intervening land and would not therefore have represented a new isolated dwelling. The proposal is not therefore comparable to the development before me. Concern has also been raised regarding a previous application on this site which was not determined by the Council. Although it is suggested that there was not a five year supply of housing land at that time, I must consider this proposal in relation to the current position and the existing policy framework.
11. I acknowledge the limited scale of objections to the proposal and the positive social and economic benefits that would result from such a development. These matters, together with the proximity of the site to the services of the settlement, provide considerable weight in favour of a new dwelling. However, these matters are not sufficient to outweigh the clear conflict with both the development plan and the *Framework*. I therefore dismiss the appeal.

Peter Eggleton
INSPECTOR