



Groves Town

Planning LTD

Chartered Town Planners and

Local Government Management Consultants

www.grovestownplanning.uk

Client	St Bees Parish Council
Document Title	Objection to Planning Application
Version/Date	V2 14 March 2024
GTP ref	2402009
Application reference	4/24/2051/0F1
Applicant	Mr L Grundy
Site	LAND ADJACENT TO STONEYCROFT, SEA MILL LANE, 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- The current Local Plan is not out of date in respect of the issues considered with this application.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 as being at the end of Sea Mill Lane surrounded by residential dwellings. This is clearly not the case as space to the west is occupied by the railway with no above ground level structures, and to the south and east by open undeveloped land.

3.2 Sea Mill Lane runs south west from the centre of village, with residential properties on either side of the road for the first 400m. A consistent ribbon of residential development then extends for a further 175m to the south, with open countryside on the eastern side of the road and housing to the west.

3.3 With limited exception, these properties are generally modest single storey buildings, set a lower level than the road and clearly established to exploit the views west over the Irish Sea. Along this stretch the road narrows and towards the end of the ribbon the footpath disappears. The lane has evolved from a track over time and has not been built to any highway standards. It is not of a standard

Groves Town Planning Ltd

which would normally encourage use by pedestrians or cyclists in the conduct of their daily, domestic business

3.4 At the end of this ribbon the previously gentle slope of open land to the west changes to a much steeper cliff.

3.5 This point marks the extent of the settlement boundary for St Bees in both the adopted and emerging local plans.





3.6 Beyond this point development becomes increasing sporadic with a small group of chalets and bungalows on the sea side of the railway, visually and physically separated from the lane. With 3 larger dwellings on the eastern side of the lane. The southernmost of these is Stoney Croft, the host dwelling, with the application site to the south.

3.7 The site consists mainly of the vegetated slope of the cliff.

3.8 The lane to the south narrows and leads to a gate next to the southern boundary of the site. The footpath south of the gate links with a route up the bluff to reach Nethertown Road or alternatively continues in a southerly direction towards Coulderton, via the England Coast Path which was designated in 2021.



3.9 The plan above is extracted from the Parish Council's walks in St Bees and shows the footpath routes describe above.

4 Development description

4.1 Notwithstanding the extensive design analysis provided in the Design and Access statement, there is limited description of the precise form, scale and nature of the proposed development.

4.2 The application form describes the application site as existing garden. Whilst the site maybe within the ownership of the applicant, it is clearly not part of the residential curtilage and visually forms part of the extremely steep vegetated bluff which runs to the rear of the existing houses and then south from Stoneycroft. The slope rises 12.5m from Sea Mill Lane to the rear of the at an angle of 85° or 62%.

- 4.3 The application form describes the development as a new dwelling with associated external works. There is no clear submission elsewhere within the application to show the extent and nature of these works.
- 4.4 Review of drawings suggests that the development will require the removal of at least 900m³ of the cliff. Assuming this is mostly sandstone given the prevalent geology of the area, this equates to close to 2000 tonnes of material – 100 20 tonne capacity tipper trucks.
- 4.5 There is no description or analysis of the nature of works necessary to stabilise the exposed rock face.
- 4.6 It is noted NPPF 189 identifies land stability issues as a material planning consideration with responsibility for securing a safe environment resting with the developer and landowner. The exact geology of the slope is unclear. It is unlikely that the cliff will simply be a solid rock face, and likely that it will contain loose glacial material, sands and gravels. A detailed geophysical appraisal of the site is essential to understand the exact implications of the engineering works proposed and the way in which the slope might be managed should the development proceed. This should include detail of retaining features, which are likely to be substantial development in their own right
- 4.7 Plans submitted with the application suggest that access to the highway is unaltered. It is altered as separated points of access are to be provided for the host and the proposed dwellings.
- 4.8 It is similarly wrong to state that the proposal will not result in change to parking provision.

4.9 The submission of details of foul and surface water drainage are noted, as is the holding objection of United Utilities to the submissions made with the application.

It is noted that the alternative to disposal of surface water via mains drains is disposal to a watercourse and that this requires the consideration and approval of the environment agency.

4.10 The results of a percolation test carried out on the site suggest that ground conditions are not suited to the use of soakaways. This also implies that runoff from higher land above the site of the proposed dwelling will need to be taken into account to accommodate the dwelling, without impact on the local environment. In addition to assurance that the considerable amount of excavation proposed leaves exposed faces in a safe and stable condition, the impact on local hydrology should also be considered.

4.11 The Preliminary Ecological Report submitted with the application is not questioned, although it is noted that it was completed in October 2022 and it may be considered that a review to ensure that it remains is necessary. The PEA appears to deal only superficially with the wider issues arising from proximity to the SSSI.

4.12 Given the location and complexity of the proposed development it is considered that the description provided and the level of analysis of considerations material to the determination of the application are lacking.

5 Planning History

5.1 An application for proposed development identical to that now proposed was submitted in 2023 and considered under reference 4/23/2035/OF1. This application was withdrawn prior to determination. There is no record on the public file as to why this was the case. There is similarly no record of the advice provided by officers prior to the submission of the application under consideration here.

5.2 The applicant provides reference to development at Strandby House permitted by a planning permission 4/04/2275. No information is provided as to the relevance of this permission to the current proposal. In the absence of further submissions no weight can be attached to that development in the determination of this application.

5.3 The applicant makes reference to a number of appeal decisions which might be taken into account when considering this application. No specific details are provided of the location or substance of these decisions. No weight can be afforded to such a generalised statement.

6 Policy appraisal

6.1 Policy for area in which the application site is located is complicated by the merger of Allerdale, Carlisle and Copeland into the single Cumberland Council. At present the Council is dependent upon the relevant development plans for the three constituent councils.

6.2 The newly formed Council is preparing the evidence base necessary to produce the Cumberland Local Plan and has recently announced the commissioning of a housing needs assessment.

6.3 A document prepared by the unitary authority in January 2023 entitled Cumberland Consolidated Planning Policy Framework references the Copeland Local Plan 2021 – 2038 as an emerging plan which will replace the existing 2013 – 2028 plan when adopted.

6.4 This provides clarity as to the source of policy against which to assess the proposed development.

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

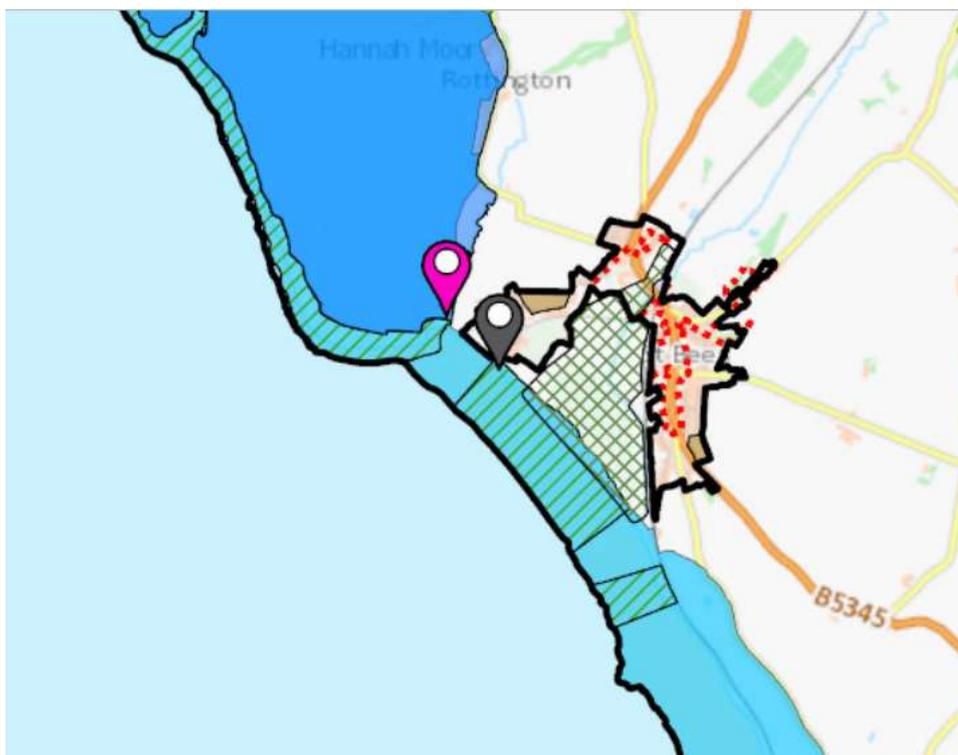
6.6 Whilst the Council has experienced issues relating to housing supply, this has largely been resolved through interim policy and reference to later versions of the SHLAA.

6.7 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)

6.8 Latest figures for the Governments Housing Delivery Test show that housing development in Copeland over the three year period to 2021/22 vastly exceeded expected targets

6.9 It is considered arguable in this context whether the Council's decision to grant planning permission for residential development on land adjacent to but not within settlement boundaries constituted a legitimate approach. It is certainly now the case that adopted settlement boundaries provide a robust and policy compliant basis to resist new development.

6.10 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.



As of 14 February 2024 the Council has received and taken note of the suggested main modifications to the plan tabled by the Local Plan Inspector. These modifications are currently tabled for consultation until 28th March 2024.

6.11 Associated policy DS4PU has been modified in terms of some detailed wording but critically reinforces the established settlement boundary, which has been the subject of review and testing against the criteria established in the formulation of the updated Copeland Plan.

6.12 DS4PU references circumstances where development beyond settlement boundaries might be considered.

To ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases:

1) Where the proposal is for housing and;

a) the site is well related to and directly adjoins the settlement boundary of a town or Local Service Centre; and

b) the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and

c) the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or

• there has been previous under-delivery of housing against the requirement for 3 years or more or

• the proposal is for a specific type of housing supported by Policies H15PU, H16PU or H17PU.

2) The proposal is for one of the following types of development and a proven need for an open countryside location has been demonstrated to the satisfaction of the council:

- Nuclear related developments*
- Renewable energy proposals, including wind farms • Essential infrastructure to support energy developments and other infrastructure*
- Agricultural, forestry, farm diversification or tourism proposals which require such a location*

6.13 It should be noted that all criteria must be met

6.14 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.

6.15 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.
- 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

- Policy ENV2 – Coastal Management

To reinforce the Coastal Zone's assets and opportunities the Council will:

A Promote the developed coast as a destination for leisure, culture and tourism, with strong links to Whitehaven Harbour / town centre in the north and to Millom in the south

B Maximise opportunities along the undeveloped coast for tourism and outdoor recreation through support for the North West Coastal Trail and Colourful Coast projects

C Support the management of more of the undeveloped coast for biodiversity

D Support energy generating developments that require a coastal location along the undeveloped coast, provided that the potential impacts on biodiversity, landscape and heritage assets are carefully assessed against the benefits. Where negative impacts are likely these must be mitigated against and compensated for

E Protect the intrinsic qualities of the St Bees Head Heritage Coast in terms of development proposals within or affecting views from the designation.

At the same time encourage schemes which assist appropriate access to and interpretation of the Heritage Coast area

F Work with partners to manage the risks associated with coastal erosion and flooding and ensure that all new development is located outside areas identified as being at risk either now or in future phases of the Shoreline Management Plan

- Policy ENV5 – Protecting and Enhancing the Borough’s Landscapes

The Borough’s landscapes will be protected and enhanced by:

A Protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area

B 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

C Supporting proposals which enhance the value of the Borough’s landscapes

6.16 It is clear that the proposed development is inconsistent with both existing and emerging 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.

6.17 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 until it is superseded weight can be given to the 2013 Local Plan including policies ST1 and ST2 and the settlement boundaries to which they relate. Paragraphs 11(d), with footnote 8, together with paragraph 76 of the December 2023 Framework applies. Given the current level of housing supply – well above the 5 year requirement, there is no necessity in policy terms to assume that development outside the 2013 settlement boundary.

7.2 The Council has previously raised concern over the need to amend settlement boundaries to meet the requirements of the Housing Needs Assessment carried out for the 2013 – 2038 plan period and has accepted in some cases that this might enable development outside of the existing boundaries. It is not considered that this can be interpreted as abandonment of policy of the extant development plan, but might enable some weight to be given to other material considerations, where the absence of any clear harm, or benefit might be weighed in the planning balance.

7.3 There is also contradictory comment in terms of the weight which can be afforded to the emerging local plan. In releasing details of proposed modifications to the plan as identified by the examining Inspector it can be concluded that the emerging planning is reaching an advanced stage of preparation. At this stage however there may well be outstanding objections to the proposed modifications

raised as the consultation process continues. Paragraph 48(d) of the Framework applies and it may be concluded that until such objections are resolved limited weight can be given to the emerging plan.

7.4 In this case the issue relates to the St Bees settlement boundary. The position of the boundary relative to the application site has not changed from since the adoption of the 2013 plan, through the preparation and issue of the submission version of the 2021 Local Plan and now in the proposed modifications. It may be concluded that considerable weight can be afforded to the justification for the position of the St Bee's settlement boundary. Development outside that boundary can justifiably be resisted with reference to policy ST2

7.5 The applicant's contention that development is policy compliant is based on reference to exceptions which emerge from ST2 and DS4PU. Three main issues are noted

- The existing local plan is out of date and the settlement boundary for St Bees is no longer applicable
- That housing need justifies the development
- That emerging policy will enable development adjacent to the settlement boundary

7.6 The status of the 2021 Local Plan is explained above

7.7 There might be expectation that control over development outside the settlement boundary might be loosened if housing supply targets are not being met. That is not the case and there is no justification for development on that basis.

7.8 The application site is not adjacent to the settlement boundary but lies some 110m south. Again, it must be reiterated that this boundary has been the subject of

scrutiny and review as the 2021 Local Plan has emerged and no change has been found necessary.

7.9 The applicant seeks justification for this proposal on the back of unspecified appeal decisions. There are recent appeal decisions identified through the Planning Inspectorate which consider development outside identified settlement boundaries

- APP/Z0923/W/23/3314416 Becks Farm, Distington CA14 4QY
- APP/Z0923/W/22/3304945 Land adjacent to Round Close Park, Whitehaven CA28 8UH
- APP/Z0923/W/22/3305468 Land adjacent to Spout House Stables, Sandwith, Whitehaven, Cumbria CA28 9UG

7.10 The extent to which these appeals are relevant to the current case needs to be judged in the context of the date of the decisions in early 2023 prior to the completion of actions emerging of the Local Plan Examination, prior to the issue of the Inspectors post hearing letter in June 2023 and prior to the issue of Main Modifications. The decisions also pre-date the release of the December 2023 version of the NPPF.

7.11 Each of these appeals considers extant and emerging policy but ultimately conclusions are based on the relationship of development sites with the settlement, the nature of historic and current use of the site, impact of the development on the character and appearance of the locality, and the sustainability of site locations.

7.12 It makes sense in this case to examine these issues.

7.13 The site does not have any apparent former use. It is naturally vegetated cliff or bluff, consistent with much of its surroundings. Whilst the applicant states that the land is garden in submissions, the land is clearly not part of the residential curtilage of the existing building. It may be the applicant's ownership, but this is not the same as being within the curtilage.

7.14 The proposed development would consist of a building which is much larger and taller than its neighbours. It is disproportionate in scale in comparison to its neighbours. The scale and form of the building would be incongruous to that already exhibited in the locality. It is acknowledged that architecturally the area offers little of merit, but it does present a character and scale of development which is not reflected in the proposal.

7.15 In addition to consolidating the loose collection of buildings on Sea Mill Lane beyond the settlement boundary, the proposal would extend development into the open countryside, the open escarpment which presents to the street, the footpath and views back from the shore of the coast, including those parts of the coast with landscape and ecological designations.

7.16 The proposed development, particularly in the context of the extent of engineering works necessary to create the development site, would have an adverse impact the character and appearance of the area. The sense of place would be changed for the worse in contradiction of the approach advocated in para 131 of the Framework and ST1, ST2, ENV2, ENV5 and DM10 of the Local Plan.

8 Conclusion

8.1 It is clear that the proposal is not sustainable development and is inconsistent with the provisions of the development plan.

8.2 The proposal would result in harm to the character and appearance of the area and as such would be contrary to the specific development plan policies designed to protect that character and appearance. The development would fail to contribute to the delivery of the high quality, beautiful place now specifically highlighted in the latest version of the NPPF.