SCHEDULE A: Applications with Recommendation

13/0651

Item No: 05 Date of Committee: 11/10/2013

Appn Ref No:	**Applicant:**	**Parish:**
13/0651	Mr & Mrs Irving	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
19/08/2013	Planning Branch Ltd	Dalston

Location:
Land between Woodcote and Badgers Barn, Durdar Road, Carlisle, CA2 4TL

Proposal: Erection Of 1No. Dwelling

REPORT

Case Officer: Richard Maunsell

1. Recommendation

1.1 It is recommended that this application is refused.

2. Main Issues

2.1 Whether The Principle of Development Is Acceptable
2.2 Whether The Scale And Design Of The Dwelling Is Acceptable
2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
2.4 Impact Of The Proposal On Highway Safety
2.5 Impact Of The Proposal On Biodiversity
2.6 Method of Disposal of Foul And Surface Water
2.7 The Impact On Human Rights

3. Application Details

The Site

3.1 The application site is located approximately 150 metres east of Durdar Road, along a private shared driveway. Immediately adjacent to the east of the site is a public right of way and beyond this to the east is a group of 4 dwellings in a courtyard arrangement. Historically, this has been developed

from a farmhouse and the conversion of outbuildings to 3 residential properties.

3.2 The application site, equating to approximately 990 square metres, is enclosed by a stock fence and is currently in agricultural use. The site has open aspects to the north and south with Scuggar House to the east and a bungalow 45 metres to the west.

The Proposal

3.3 The application seeks Full Planning Permission for the erection of 1 dwelling. The submitted drawings illustrate a single storey property, the overall length, including the garage, would be 26.9 metres. The width would vary between 12.2 metres and 15.6 metres. The maximum ridge height of the dwelling would be 5.6 metres.

3.4 The accommodation would comprise of a double garage, store, boiler room, utility room, kitchen, sun room, hall, lounge, a bathroom, 2 bedrooms and 1 ensuite bedroom.

3.5 The proposed materials would be render with stone quoins and window surrounds under a slate or tiled roof.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 4 of the neighbouring properties. No representations have been received.

4.2 The local Ward Councillor has written in support of the application and the following issues have been raised:

1. the applicants are retired and live in the original farmhouse. Mobility is becoming an issue for one of them and will become progressively more difficult. They do not want to move from the area where they have lived for many years and this has prompted them to apply for permission to build a single storey bungalow on adjacent land which they own;
2. there is a bus service which passes the end of the lane (about 200m) but it is recognised that the proposed bungalow would be some distance from the nearest shops and services;
3. the property will be well-related to the adjacent barn conversions and properties;
4. a number of substantial “new “estates have been granted permission on this same stretch of Durdar Road including Cawflands, Woodhayes and The Willows which total 69 houses. Another small development close by on Durdar Road has only recently been granted planning permission. Apart from the pub at the cross roads, these have no advantage with regard to access to services than has this application and in fact are further away from the main shops;
5. the long established ribbon development is a feature of the southern end

of Durdar Road with number 281 being only a few hundred metres from the access lane;

6. the County Council's Development Plan and the consultation document for Carlisle District Local Plan 2015 to 2030 both envisage development in this area to the South of Carlisle to balance the current migration to the North. The County Council Intelligence Unit revealed that over 25% of the population in the area are in the 65 to 75+age group. It was disappointing then, that of the 121 unit development at Dalston, (which I represent) granted planning permission, only 4 were single storey, suitable for elderly people, yet there is a demonstrable need for this type of single storey lifetime housing;
7. against this background, this application is supported on the grounds of precedent and demonstrable need.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority - Footpaths): - access to the proposed development will be along the Public Right of Way (footpath) Number 129015. Where a public right of way is enclosed to either side the width of the footpath is deemed to be from boundary to boundary, as such pedestrian access must not be obstructed between the two boundaries during or after completion of the proposed development and vehicles using the path as part of a private right of access must give way to pedestrians using the path;

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of a condition;

St Cuthberts Without Parish Council: - comments awaited;

Local Environment - Environmental Protection: - no objection subject to the imposition of a condition;

United Utilities: - no objection.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF) together with Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016. The Supplementary Planning Document (SPD) "Achieving Well Designed Housing" is also of relevance. The proposal raises the following planning issues.

1. Whether The Principle of Development Is Acceptable

6.2 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the

determination of this application.

6.3 Paragraph 215 of the NPPF highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, in respect of the issue of housing, the Local Plan cannot be considered up to date under the NPPF.

6.4 When assessing the application site against the foregoing policies, it is acknowledged that this is a small group of dwellings, located on what was a former farm steading; however, in the context of the NPPF the site cannot be considered either a village or a settlement. It therefore falls to be considered as a site in an isolated rural location.

6.5 Consequently the proposal is required to be assessed against those policies for isolated new homes in the countryside. Paragraph 55 of the NPPF outlines that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

6.6 The application fails the policy tests that underpin the assessment of this application insofar as no essential need is claimed; the proposal does not involve the development of a heritage asset or redundant or disused building, and the design of the building is not of exceptional quality. In support of the application, the Ward Councillor has identified that one of the applicants is elderly and has mobility problems. In considering this issue, no reason has been given as to whether other single storey properties in the area have been considered. In any event, development of the application site represents a desire of the applicants to live in the vicinity of their current property but it does not quantify a justifiable need and allow approval contrary to the policy context.

6.7 Given the rural nature of the District there are many farm steadings which are similar to the site and the adjacent cluster of dwellings. As Members are aware, whilst each application is to be dealt with on its own merits there are concerns for the sustainability of development if new dwellings were to be developed in relation to farm steadings without a justified need.

6.8 The Design and Access Statement submitted with the application states that the site is “located adjacent to the settlement of Blackwell”. The Oxford English Dictionary definition of “adjacent” is “next to or adjoining something else”. Members will note from the site location plan published following this report, that the site is significantly detached from the dwellings on Blackwell

Road. The applicant states that “whilst this property does into fall within the list of examples (and it is just a list of examples as indicated by the words ‘such as’), there are special circumstances which justify its location.” No explanation is given as to what these circumstances are; however, it is assumed that these relate to other aspects of the Design and Access Statement where to support the applicant's argument that the principle of development is acceptable, it is stated that land adjacent to the application site was considered developable under the Strategic Housing Land Availability Assessment (SHLAA). It is further stated that if this land is developed then the application would be well related to the settlement.

6.9 There are 2 fundamental flaws in this approach. Firstly, the SHLAA formed the evidence base for the formation of the new local plan. Whilst the land may have been considered acceptable under the SHLAA, the site has not been brought forward as either a preferred option or an alternative option under the Carlisle District Local Plan 2015 -2030 Preferred Options Consultation. Although this plan is currently subject to consultation and therefore no material weight can be attached in the consideration of planning applications, it is nonetheless significant to note the absence of this site from the plan. The Ward Councillor makes reference to the Preferred Options Consulttaion Local Plan encouraging development to the south of the city. Policy S2 (Spatial Strategy) states that in delivering new housing, "for 11-15 years the preferred option is to identify a broad location for growth in the area of Carlisle South"; however, this is a long-term strategic approach and not dependant on ad hoc sporadic development such as that proposed by this application.

6.10 The second issue is the fact this argument is dependant on the site being developed. Aside from the fact that the land is unallocated, the site is out with the control of the applicant and it would be unreasonable to grant planning permission on the basis that the development of an adjacent site may or may not happen.

6.11 Although the support from the Ward Councillor makes reference to the ribbon development along Durdar Road, the application site cannot be considered as being well-related to this development as it is distinctly physically separate. The description of being “adjacent” therefore is inappropriate and not applicable in this instance and the application falls to be considered as an isolated site.

6.12 The Design and Access Statement also suggests that the dwelling is being offered with a local occupancy restriction. The current adopted local plan allowed consideration of planning applications for dwellings on infill sites within settlements where they were evidenced by local need to be in that location. The introduction of the NPPF does not require development to be limited to a local occupancy restriction, although policies still allow open market housing and affordable housing subject to consideration against the relevant policies. The applicant's suggestion that the occupancy could be restricted to local occupancy is not supported by any evidence. In addition, such a restriction would not be reasonable as it is not supported by current planning policies. The proposed imposition of the condition by the applicant

serves to undermine their argument that the principle of development is acceptable by limiting the occupancy of the property as a compromise, particularly as if no future occupier for the property could be found in the Parish, the search would cascade to the next level which would include residents within the city, thereby eroding the definition of "local".

6.13 The application seeks Full Planning Permission for a new dwelling in an isolated rural location with no special circumstances as detailed in the NPPF put been forward by the applicant that would justify a new dwelling in this location. The proposal is, therefore, contrary to Policy CP1, Criteria 2 of Policy CP5, Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

6.14 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of town scape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.

6.15 The submitted drawings illustrate that the proposed dwelling would be large in footprint and would have a frontage measuring in excess of 27 metres. The double projection to the frontage scale exacerbates the scale and massing of the building and the isolated position of the site in relation to the converted barns and the bungalow further to the west. Although adequate amenity space and off-street parking would be achieved, the development would be disproportionate or obtrusive within the character or appearance of the area.

3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

6.16 Planning policies also require that consideration is also given to the living conditions of the occupiers of neighbouring properties. The proposed building would be situated approximately 28 metres from the nearest converted barn to the east and 53 metres from the bungalow to the west. As such, the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance.

6.17 Given the relationship of the site to the nearest residential dwellings, any dwelling on this site would achieve the Council's minimum distances between dwellings as stated in the Council's Supplementary Planning Document 'Achieving Well Designed Housing'.

4. Impact Of The Proposal On Highway Safety

6.18 The application site is accessed via a private access. Cumbria County Council, as Highways Authority, has been consulted and raises no objections

subject to the imposition of a condition. Accordingly, the proposal would not have any significant highways or traffic implications.

5. Impact Of The Proposal On Biodiversity

6.19 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is within agricultural land, using the guidance issued by Natural England, the development would not harm a protected species or their habitat; however, an Informative could be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

6. Method of Disposal of Foul And Surface Water

6.20 The application forms identify that the foul drainage would be dealt with by means of a package treatment plant whilst surface water would go to a soakaway. Whilst the principle is acceptable further details would be required to assess the suitability of the proposals.

7. The Impact On Human Rights

6.21 The appellant's human rights have been properly considered and taken into account as part of the determination of the application. Article 8 of the Human Rights Act 1998 provides that:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.

6.22 No justification has been submitted with the application to weigh against the general interest in conforming to planning policy. For the reasons outlined above it is considered that no essential need has been demonstrated that would justify setting aside local and national policies designed to protect the countryside.

Conclusion

6.23 In overall terms, the proposed site is located in a rural location and the erection of a dwelling on this site would, therefore, form a prominent intrusion into the open countryside contrary to both local and national planning policies. Members will be aware that material considerations can be taken into account and allow determination contrary to planning policies; however, this report has clearly demonstrated that no exceptional need or particular justification has been submitted to allow the Council to approve this application contrary to the presumption against development in this location. The scale and design of the property would be alien to the character and appearance of surrounding properties and the proposal is, therefore, contrary to planning policies and is recommended for refusal.

7. Planning History

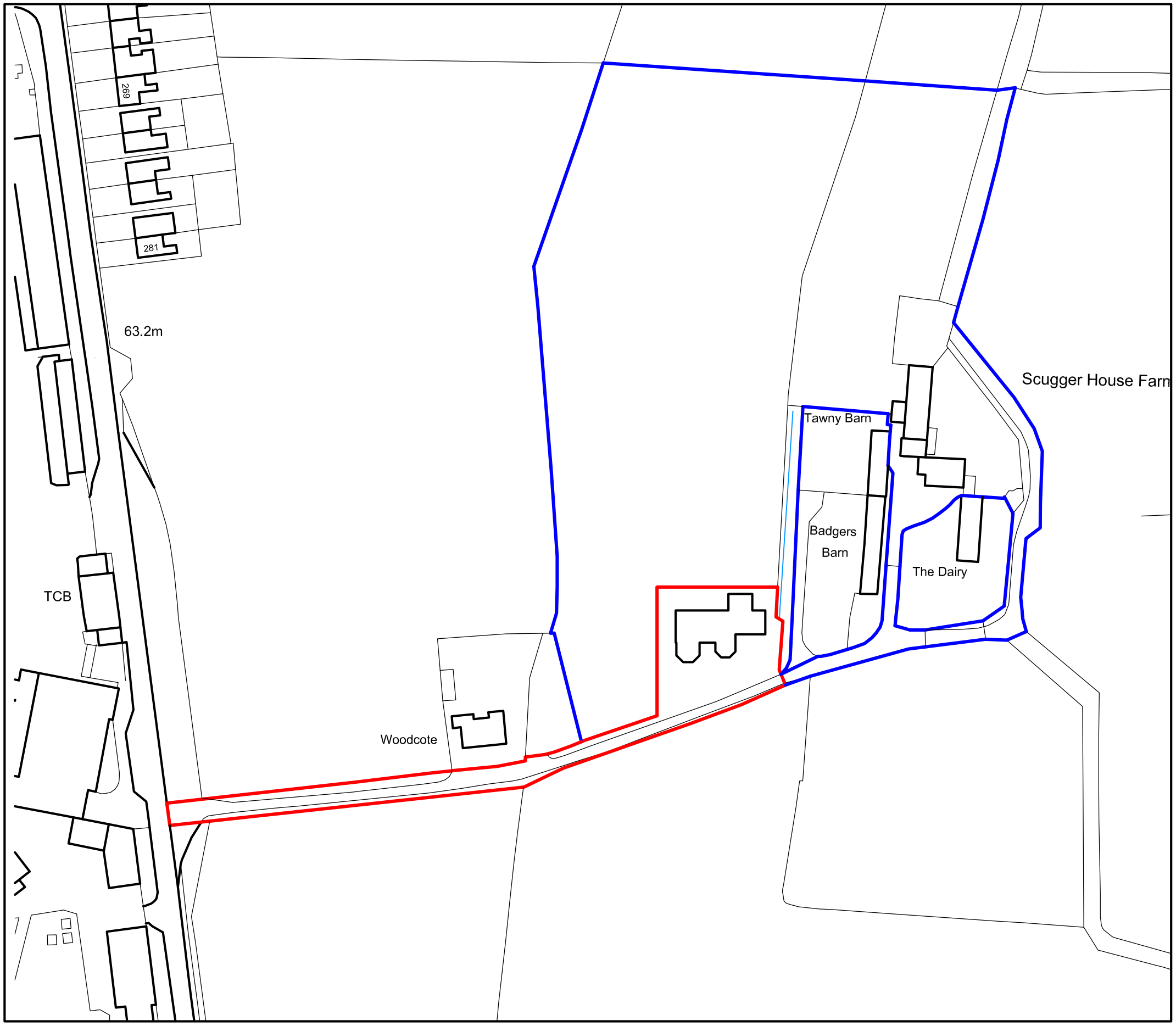
7.1 There is no planning history for this site.

8. Recommendation: Refuse Permission

1. **Reason:** The application site is located in the remote rural area. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. No special circumstances as detailed in the NPPF have put been forward by the applicant that would justify a new dwelling in this location. The proposal is therefore contrary to Paragraph 55 of the National Planning Policy Framework and Policy DP1 (Sustainable Development Locations) and criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and .

2. **Reason:** The proposal relates to a rectangualr shaped site located in a prominane position adjacent to a public right of way in the open countryisde. The dwellig does to not relate to the local vernacular scale or appearnce of nearby properties due to its large footprint an design. The development in the manner propoersd would, therefore, appear overdominant within the plot and obtrsuive with the character of the area contrary to criteria 1 and 2 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.

Location Plan (1:1250)



Revision Status

Rev	Date	Amendments	Initials

Agent

GRAY ASSOCIATES LTD

Architectural & Building Surveying Services

Moryn House, The Square, Dalston, CARLISLE CA5 7PH

M: 07917 810096 T: 01228 710911

E:david@grayassoc.co.uk www.grayassoc.co.uk

Client

Mr W Irving

Scuggar House

Durdar

Carlisle

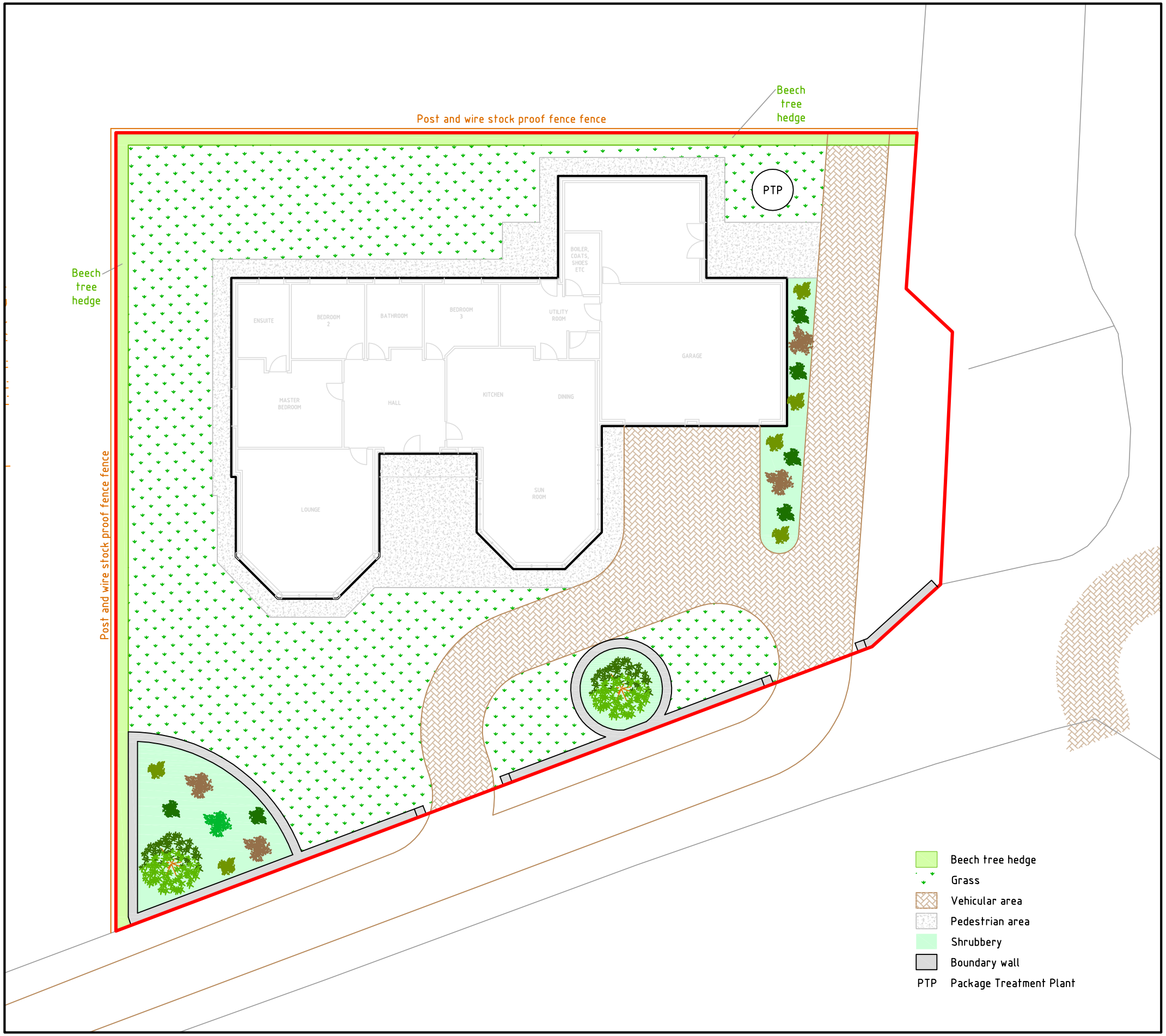
CA2 4TL

Drawing

Title:	Location Plan
Scheme:	New Build Dwelling Near Scuggar House
Scale:	1:1250
Date:	June 2013
Dwg No.:	D3
Drawn:	D Gray

Drawing to be printed at A3

Site Plan (1:200)



N

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Rev	Date	Amendments	Initials

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M: 07917 810096 T: 01228 710911

E:david@grayassoc.co.uk www.grayassoc.co.uk

Client

Mr W Irving

Scuggar House

Durdar

Carlisle

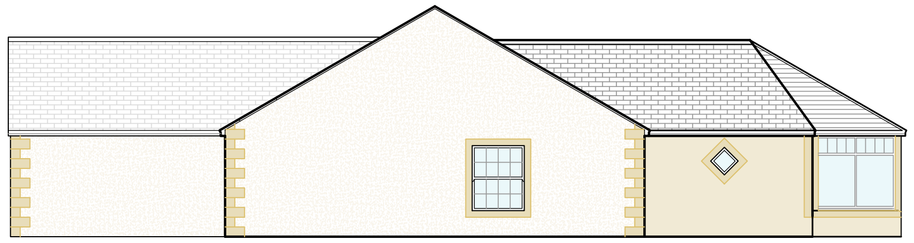
CA2 4TL

Drawing

Title:	Site Plan
Scheme:	New Build Dwelling Near Scuggar House
Scale:	1:200
Date:	April 2013
Dwg No.:	D2a
Drawn:	D Gray

Drawing to be printed at A3

PROPOSED SOUTH ELEVATION



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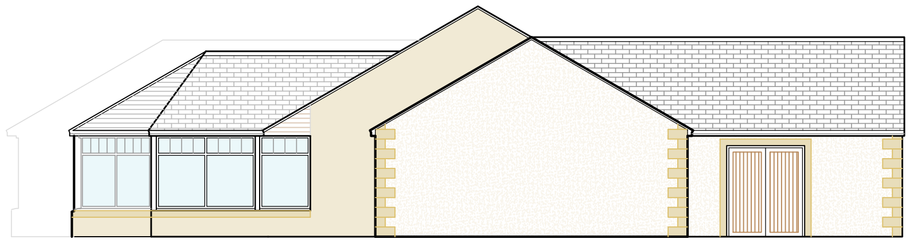
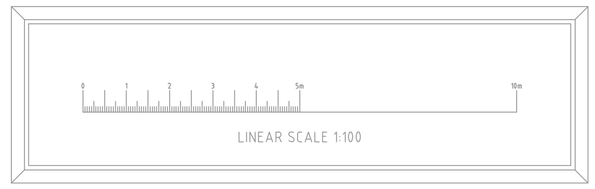
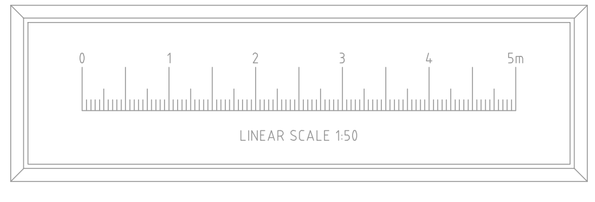


PROPOSED EAST ELEVATION

PROPOSED NORTH ELEVATION





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M: 07917 810096 T: 01228 710911

E:david@grayassoc.co.uk www.grayassoc.co.uk

Client

Mr W Irving

Scuggar House

Durdar

Carlisle

CA2 4TL

Drawing

Title:	Floor Plans and Elevations
Scheme:	New Build Dwelling Near Scuggar House
Scale:	1:50 & 1:100
Date:	April 2013
Dwg No.:	D1
Drawn:	D Gray

Drawing to be printed at A1