

SCHEDULE A: Applications with Recommendation

14/0582

Item No: 06

Date of Committee: 29/08/2014

Appn Ref No:
14/0582

Applicant:
Mr Cathers

Parish:
Brampton

Agent:
Positive Planning Solutions

Ward:
Brampton

Location: Land adjacent Woodvale, Tarn Road, Brampton

Proposal: Erection Of 1no. Dwelling (Revised Application)

Date of Receipt:
07/07/2014

Statutory Expiry Date
01/09/2014

26 Week Determination

REPORT

Case Officer: Barbara Percival

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 proposal 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 Impact of the proposal on existing trees and hedgerows
- 2.7 Method of disposal of foul and surface water
- 2.8 Whether the proposal would lead to the loss of the best and most versatile agricultural land

3. Application Details

The Site

- 3.1 The application site is located to the eastern side of the Brampton to Castle Carrock Road. The proposed dwelling would be located in the northern section of a field extending to approximately 3440 square metres in area.

The land is currently in agricultural use.

- 3.2 The site rises steeply away from the county highway and is delineated by hedgerows with sporadic trees along the northern and western boundaries with a post and wire fence and a hedgerow along the southern boundary. The eastern boundary is delineated by a post and wire fence beyond which lies a small copse.
- 3.3 To the south east and adjacent to the site is Woodvale, a 1.5 storey high detached dwelling, whilst the Hemblesgate Court development lies to the north west. To the north and west of the site are open fields with a wooded copse on the ridge immediately to the east.

Background

- 3.4 In 2013, an application for the erection of a dwelling (application reference 13/0612) was refused by Members of the Development Control Committee at its meeting on the 11th October 2013. The three reasons for the refusal being:

"The application site is physically and visibly separated from Brampton within an area of sporadic development, thereby, intruding into open countryside. 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 Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.

The Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium scale and enclosed which opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be highly visible within this open and rural setting, therefore, the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

The proposal relates to substantial two storey dwelling with detached double garage set within an extensive curtilage in open countryside. The scale and massing of which on the eastern side of Tarn Road would be further exacerbated by the topography of the site where sporadic single storey or dormer style bungalows predominate. The dwelling does not relate to the local vernacular scale or appearance of the dwellings on the elevated

eastern side of Tarn Road due to its large footprint and design. The development in the manner proposed would, therefore, appear overdominant within the plot and obtrusive with the character of the area contrary to criteria 1 and 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016".

- 3.5 An appeal was subsequently lodged with the Planning Inspectorate against the Council's decision on the 8th November 2013. On the 29th January 2014, following a site visit, the Inspector dismissed the appeal. The findings of the Inspector will be discussed in more detail below; however, the Inspector concluded that:

"the proposed dwelling would be significantly detrimental to the character and appearance of the countryside around Brampton. It was therefore contrary to Policies CP1, CP5 and H1 of the Carlisle District Local Plan, which require development to conserve the special features of landscape character areas; to respond to local context; to be well related to the landscape of the area; and not to intrude into open countryside".

- 3.6 Earlier this year, a further application for the erection of a dwelling was refused by Members of the Development Control Committee at its Meeting on the 20th June. The revised application did not overcome the previous reasons for refusal for development of this site i.e. principle of development, impact on the character of the area and the scale and massing of the proposed dwelling.

The Proposal

- 3.7 The revised application seeks Full Planning Permission for the erection of a dwelling. The submitted drawings illustrate a one and a half storey property. The proposed dwelling would have an overall length of 19.1 metres with the width ranging from between 7.9 metres and 11.5 metres with a maximum ridge height would range between 6.2 metres.
- 3.8 The accommodation would comprise of a dining room, kitchen, hallway, sitting room, lounge, bathroom with 3no. bedrooms with en-suite master bedroom, land, study area, and bedroom above. Access would be via an existing field access in the north western corner of the site.
- 3.9 The proposed materials would be facing brickwork and sandstone with a tiled roof.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of thirty neighbouring properties and the posting of a Site Notice. In response, thirty one representations of support have been received and one representation of comment.
- 4.2 The representations of support identifies the following issues:

1. would be an asset to Brampton in keeping with surrounding landscape and existing properties.
2. believe the proposal to be sustainable and sympathetic.
3. does not cause any issues relating to housing density, access or overall size.
4. development is within Brampton Town Boundary and will blend in with surrounding properties.
5. economic benefits for the local construction industry.
6. as the previous owner of the land, feel the plans are in keeping with the surrounding landscape.
7. due to all the other developments in the area can see no reason as to why this application has previously been refused.
8. applicant has taken on role of main carer and need to be close to dependent residing on Tree Road.
9. the proposed dwelling would provide accommodation for dependent parent.
10. applicant has long standing links with the local area and are active members of the Brampton community.
11. priority should be given to long term local people over new comers.
12. current plans more in keeping with the size and scale of other properties within the area.

4.3 The representation of comment identifies that:

1. the application will encourage further development on this currently predominantly rural part of Tarn Road outside the Town boundary.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of three conditions and an informative;
 Clerk to Brampton PC: - support the application;
 Carlisle Airport: - no objection to this proposal.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purposes of the determination of this application is the Carlisle District Local Plan 2001-2016 from which Policies DP1, CP1, CP2, CP3, CP4, CP5, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016 are of particular relevance.
- 6.3 The National Planning Policy Framework (NPPF) and the Planning Practice Guidance (March, 2014) are also material planning considerations in the

determination of this application.

- 6.4 A further material planning consideration, specific to the application site, is an earlier Planning Inspectorate's appeal decision which dismissed an appeal for a detached dwelling on this site.
- 6.5 In the context of the foregoing it is considered that the proposal raises the following main planning issues regarding: the principle of development; the scale and design of the proposed dwelling; impact on the living conditions of neighbours; highway safety; biodiversity; trees and hedgerows; disposal of foul and surface water; and loss of agricultural land.

1. Whether The Principle Of Development Is Acceptable

- 6.6 The main issue for Members 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.
- 6.7 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. For decision-taking the NPPF highlights that this means: *"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: 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; or specific policies in this Framework indicate development should be restricted"*.
- 6.8 This is further reiterated in paragraph 215 of the NPPF which 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, the Council's Local Plan (in respect of the issue of housing) cannot be considered up to date under the NPPF.
- 6.9 The Planning Statement submitted as part of the application outlines that *"... the site is well contained by other development and would not result in a prominent intrusion into the countryside, nor would it detract from the landscape character of the area"*. The Report goes on to highlight that *"the site is sustainably located in relation to available services and well contained so as not to intrude into the countryside or give rise to concerns over ribbon development"*.
- 6.10 When assessing the application site against the foregoing, the NPPF does not advocate the use of settlement boundaries but rather promotes locations of new housing relative to existing development. With regard to this issue, limited weight can, therefore, be given to the fact that the site is outwith the settlement boundary for Brampton as identified in the Proposals Map of the

Local Plan.

- 6.11 Although the area has no statutory landscape designation, the Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium in scale and enclosed which then opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. There are some longer vistas northwards from the ridges near Brampton. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled.
- 6.12 It is not disputed that the application site is located in close proximity to other residential properties along Tarn Road including the Hemblesgate Court Development to the north west of the application site and is within walking distance of the centre of Brampton. However, the character of the eastern side of Tarn Road remains very much open and rural in character with only limited housing along its route. The perception at this point is of having left the built form of Brampton into an area of sporadic development characterised by significant gaps between the sporadic dwellings, borne out by the CLS designation of sandy knolls and ridges. Indeed, the topography of the site is such that the site rises sharply away from the public highway. In light of the foregoing landscape character assessment, the proposed can not be considered well related to Brampton.
- 6.13 The Planning Inspector, in dismissing the recent appeal on the site, supported the foregoing assessment and found that: *"there is a significant gap between the last bungalow to the north of the site (Bayhills) and that to the south (Woodvale) ... Bayhills effectively marks the end of the main continuous built-up area to the south of Brampton. Furthermore, the small new estate at Hemblesgate Court would appear to have been built on a previously developed site and the dwellings in that estate lie to the north of the appeal site. There is largely open countryside to the south of Hemblesgate Court ... and ... the proposed dwelling would effectively be an isolated house in the open countryside around Tarn Road to the South of Brampton"*.
- 6.14 The Inspector went on to interpret and expand upon the transition from urban to rural by outlining again that *"the main urban area effectively ends with the bungalow Bayhills and Hemblesgate Court. Beyond these buildings, the area is open countryside with significant gaps between the sporadic dwellings further south along Tarn Road. Moreover, whilst every proposal must be assessed on its own merits, to allow this development could encourage the submission of further similar proposals which would be progressively more difficult for the Council to resist and which could cause cumulative harm to the open character of the area. This adds weight to my conclusion that the proposal would be harmful to the character and appearance of the countryside to the south of Brampton"*.
- 6.15 Furthermore, in respect of the landscape character of the area, the Inspector

found that: *"the Cumbria Landscape Strategy (CLS) indicates that the area around the appeal site is characterised by sandy knolls and ridges. The Council contends that this character, when combined with mature woodland in the area, creates a parkland-like appearance. I concur with that view and find that the proposed dwelling, which would occupy a prominent position in the landscape, would be an urban type of development that would be harmful to its appearance"*.

- 6.16 The Planning Statement submitted as part of the application draws comparisons to a further appeal decision in Castle Carrock which was allowed by the Planning Inspectorate (APP/E0915/A/13/220611) which has been reproduced following this report. The Statement draws particular reference to the Inspector finding that: *"the proposal would not be a isolated house in the countryside as it was opposite other housing and within the street lit area of the village and would assist in the Government's requirements to significantly boost the supply of housing"*.
- 6.17 In respect of the aforementioned appeal the Inspector also characterised the application site as being: *"... enclosed along the roadside by a well trimmed but mature field hedge on a slight bank (with a stone roadside wall further along). The land falls away from the road and the whole field is framed by the pine trees to the west and the deciduous wooded hillside to the east, with another pinewood to the south of these which is alongside the reservoir. To the south there are utilitarian buildings associated with the waterworks and the high grassed reservoir embankment behind them which forms the backdrop to them. Visually, therefore, it does not lie within wholly undeveloped countryside"*.
- 6.18 The contents of the Planning Statement are noted; however, the landscape character of the application site and that of the cited appeal site are significantly different. The proposed dwelling, subject of this application, would be located in a highly visible and prominent position within the landscape. Whilst the dwelling subject of the cited appeal decision is to be located within a slight hollow with dwellings or buildings directly opposite to the northern and southern boundaries of the appeal site. The Inspector goes onto describe the character of the appeal site as: *"... cupped at a low point within the hilly landscape ..."*.
- 6.19 Consequently, the NPPF is clear in its guidance that the proposal is required to be assessed against those policies for isolated new homes in the countryside. Although not exhaustive, 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.

- 6.20 Although the application has the support of Third Parties, the application fails the policy tests that underpin the assessment of this application insofar as no essential need is claimed within the submitted documents; 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. Furthermore, although the site may be within walking distance of Brampton and its services, the application site is not well-related to Brampton as it is both physically and visibility separated from Brampton within an essentially rural landscape characterised by significant gaps between sporadic dwellings.
- 6.21 This assessment is further borne out by the Planning Inspectorate in its recent appeal decision on the site for the erection of a detached dwelling. The decision letter concluded that: *"the proposed dwelling would be significantly detrimental to the character and appearance of the countryside around Brampton. It would, on this basis, conflict with Policies CP1, CP5 and H1 of the Carlisle District Local Plan, which require development to conserve the special features of landscape character areas; to respond to local context; to be well related to the landscape of the area; and not to intrude into open countryside"*.
- 6.22 In light of the foregoing, the application site is not well-related to Brampton in a rural area with sporadic housing and development would intrude into open countryside. 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 been put 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.
- 6.23 The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be unacceptably prominent within an open and rural setting and the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and Criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

- 6.24 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 townscape 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.

- 6.25 The revised proposal illustrates a detached dormer bungalow. Although the principle of development of the site remains unacceptable, the scale and vernacular of the revised proposal reflects other dwellings on the eastern side of Tarn Road.

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

- 6.26 Planning policies require that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments and which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.27 Given the intervening boundary treatment and the orientation of the application site with the adjacent property, the development would not adversely affect the living conditions of the occupiers of the neighbouring property by virtue of loss of privacy or over-dominance. The dwelling would be to the north of the neighbouring property and accordingly, the occupiers would not suffer from an unreasonable loss of daylight or sunlight. Due to the orientation of the existing and proposed buildings, it is not considered that the occupiers would suffer from a loss of privacy or over-dominance.
- 6.28 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

- 6.29 The submitted drawings illustrate that the application site would be accessed via an existing field access. Cumbria County Council, as Highways Authority, has been consulted and raises no objections subject to the imposition of conditions. Accordingly, the proposal would not have any significant highways or traffic implications

5. Impact Of The Proposal On Biodiversity

- 6.30 The Council's 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 is unlikely to harm a protected species or their habitat.

6. Impact Of The Proposal On Existing Trees and Hedgerows

- 6.31 The application site is bounded by hedgerows with sporadic trees along the northern and western boundary with a post and wire fence and hedgerows along the southern boundary. The eastern boundary is delineated by a post and wire fence beyond which lies a small copse. The applicant has submitted an Arboricultural Report which assesses the impact of the proposal

on trees and hedgerows within the development site. The Report outlines that the hedgerows are to be retained with the copse along the eastern boundary unaffected.

- 6.32 The City Council's Landscape Architect/Tree Officer has been consulted and has no objections subject to the imposition of a condition.

7. Method Of Disposal Of Foul And Surface Water

- 6.33 The application forms identify that the foul drainage would be dealt with by means of the mains sewer whilst surface water would go to a sustainable drainage system. Whilst these methods may be acceptable, further details would be required to assess the suitability of the proposals.

8. Whether the Proposal Would Lead To The Loss Of The Best And Most Versatile Agricultural Land

- 6.34 It is accepted that the proposal would lead to the loss of agricultural land. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this small area of agricultural land would provide grounds for refusal of the application.

Conclusion

- 6.35 In overall terms, the proposed site is located in a rural location characterised by significant gaps between sporadic dwellings and the erection of a dwelling on this elevated site would form an unacceptable 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. This assessment is further supported by the dismissal of a recent appeal on the site for the erection of a detached dwelling. The proposal is, therefore, remains contrary to planning policies and is recommended for refusal.

7. Planning History

- 7.1 In 2013, Full Planning Permission was refused for the erection of a dwelling (application 13/0612). An appeal against the decision to the Planning Inspectorate was lodged on the 20th December 2013 and following a site visit by the Inspector was subsequently dismissed in January 2014 (PI Ref: APP/E0915/A/13/2208145).
- 7.2 Earlier this year, Full Planning Permission was refused for the erection of 1no. dwelling (Revised Application)(application reference 14/0385).

8. Recommendation: Refuse Permission

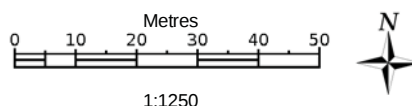
- 1. Reason:** The application site is physically and visibly separated from the built form of Brampton within an area of sporadic development characterised by significant gaps between sporadic dwellings, thereby, intruding into open countryside. The National Planning Policy Framework (NPPF) states that 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 Criterion 1 of Policy H1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.
 - 2. Reason:** The Cumbria Landscape Strategy (CLS) outlines that the area is characterised by sandy knolls and ridges. The perceptual character of the area is of a pleasant farmed landscape. The landscape is generally small to medium scale and enclosed which opens out on the edges. The combination of knolls and ridges with mature woodland and pasture creates an enclosed parkland like appearance. Most views are framed by woodland or topography. The CLS seeks to ensure that the varied and well-composed landscape will be conserved and enhanced with residential development carefully controlled. The topography of the site is such that any dwelling would be highly visible within this open and rural setting, therefore, the erection of a dwelling on this site would have a significant detrimental impact on the landscape character of the area. The proposal is, therefore, contrary to Policy CP1 and criterion 2 of Policy CP5 of the Carlisle District Local Plan 2001-2016.
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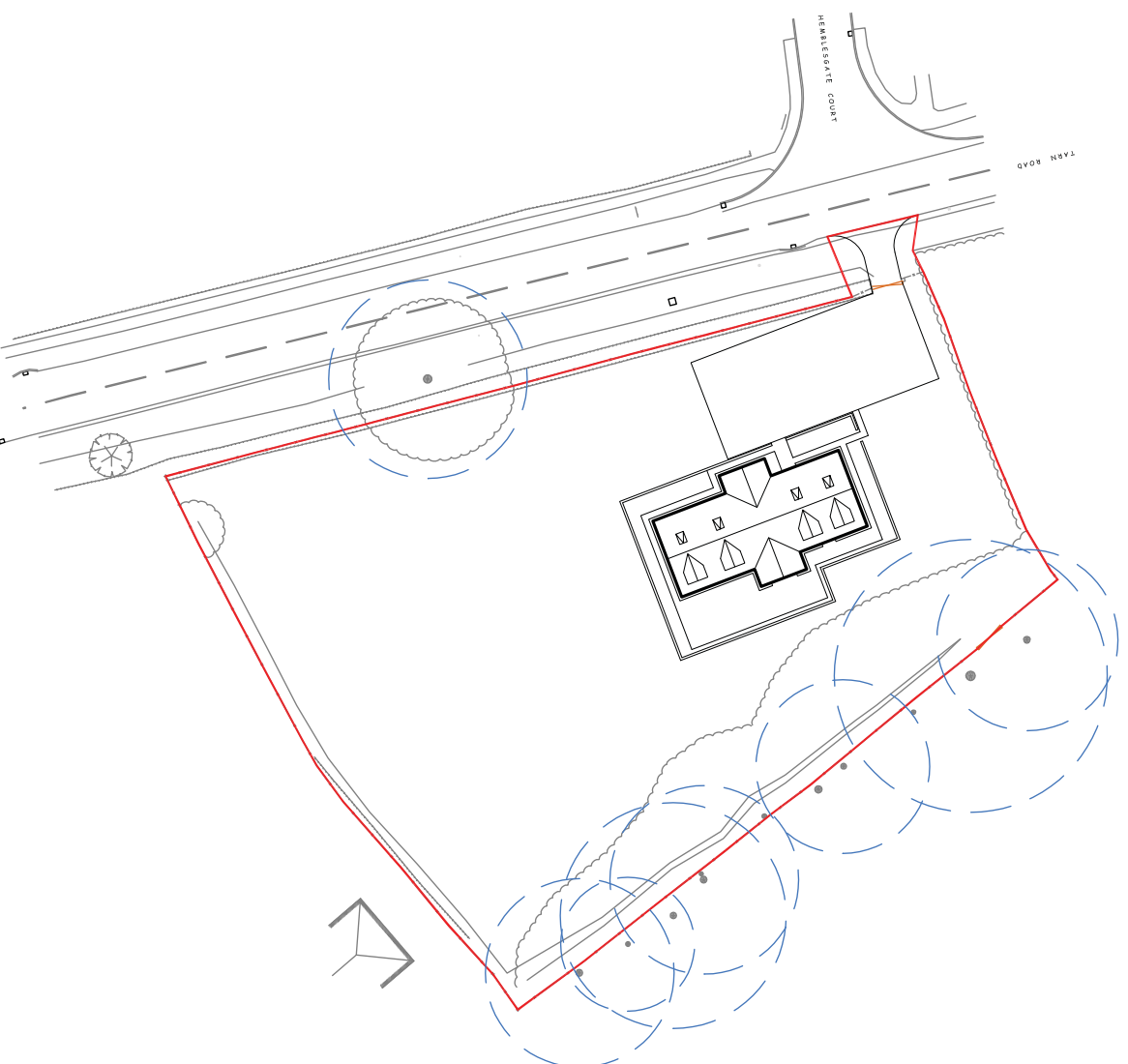
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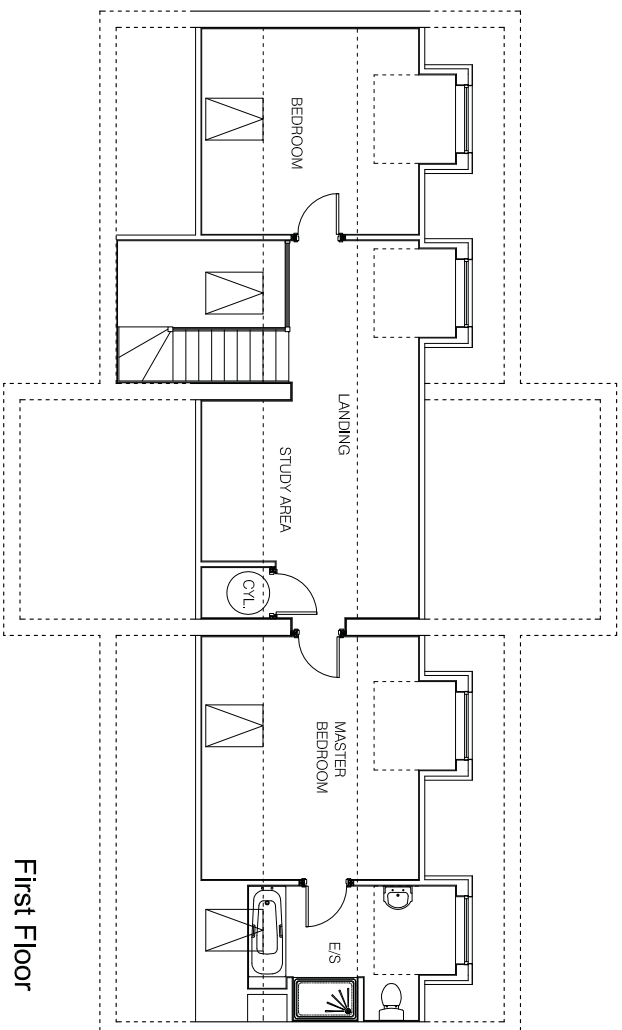
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



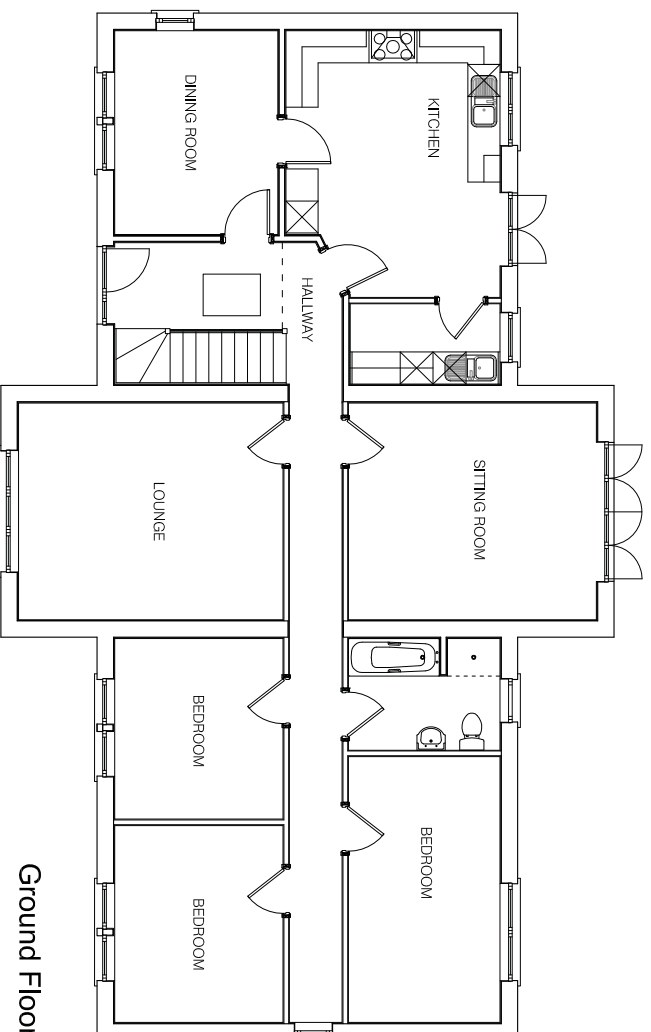
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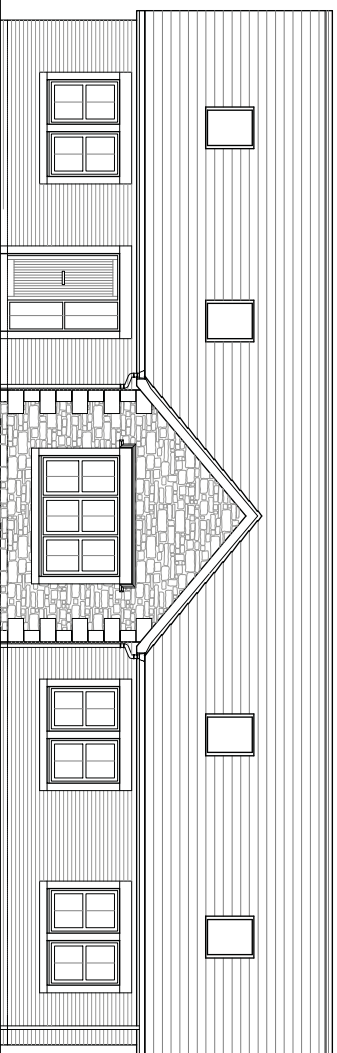




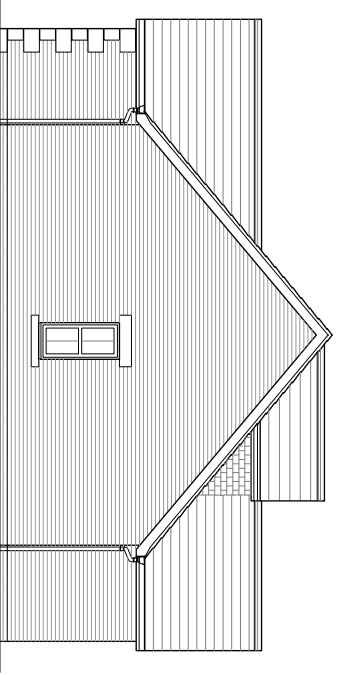
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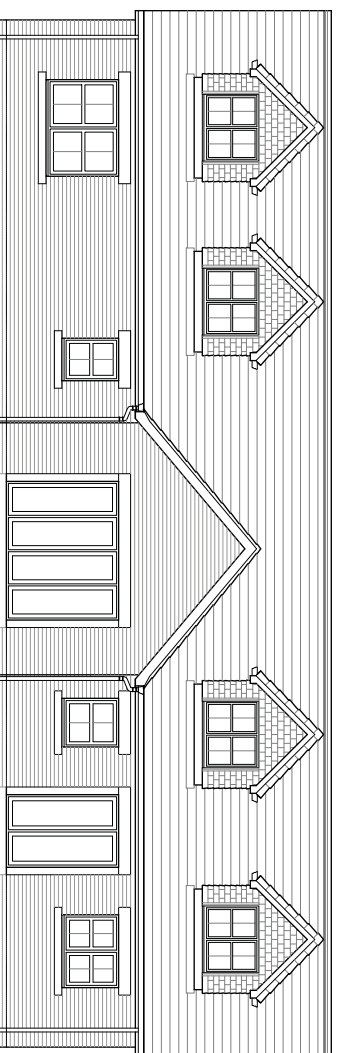
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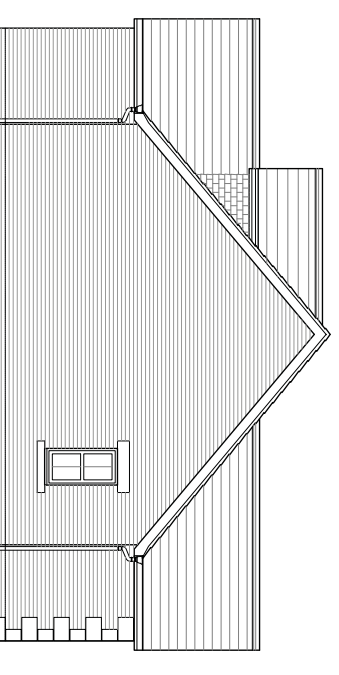
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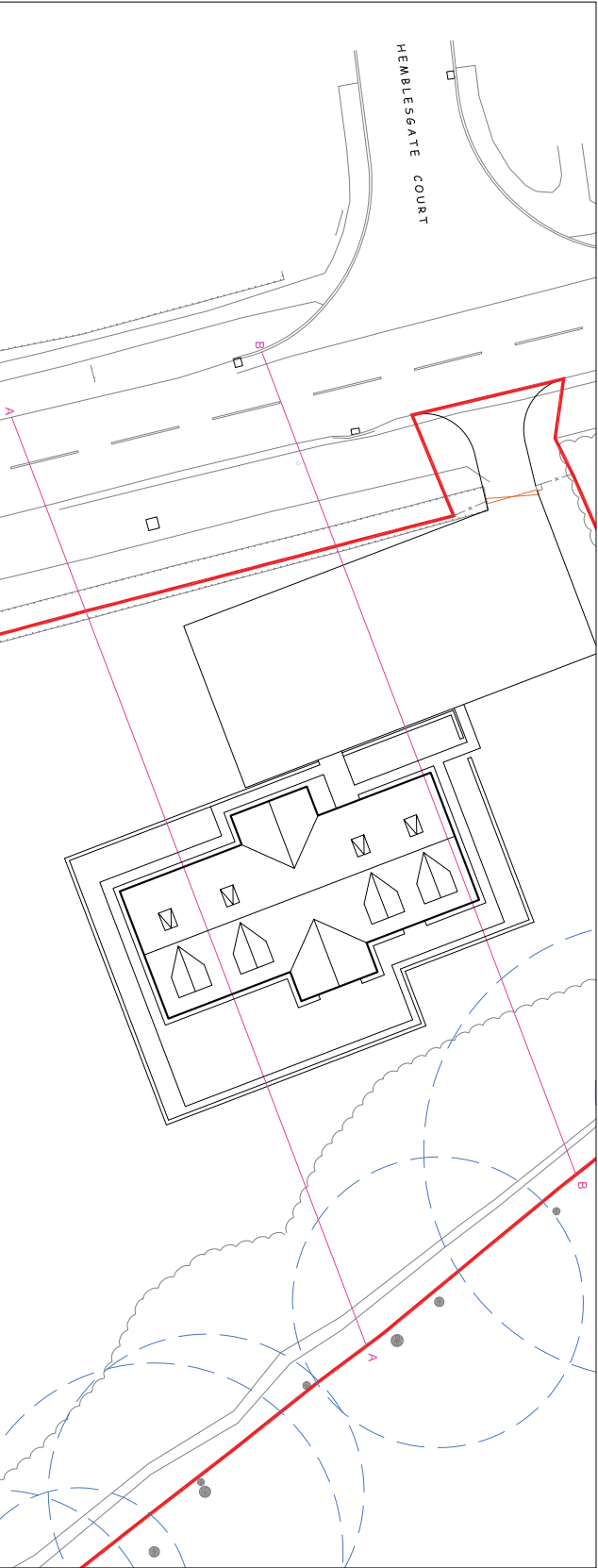
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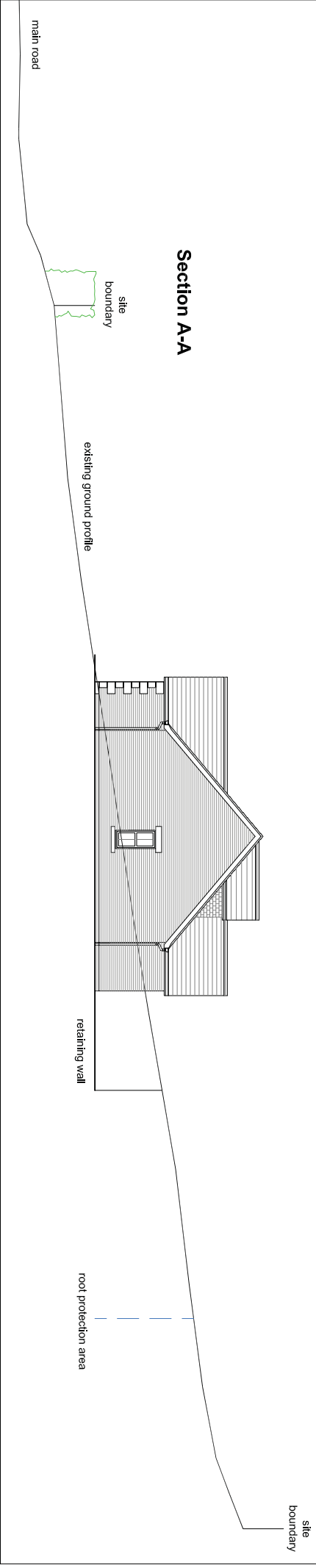
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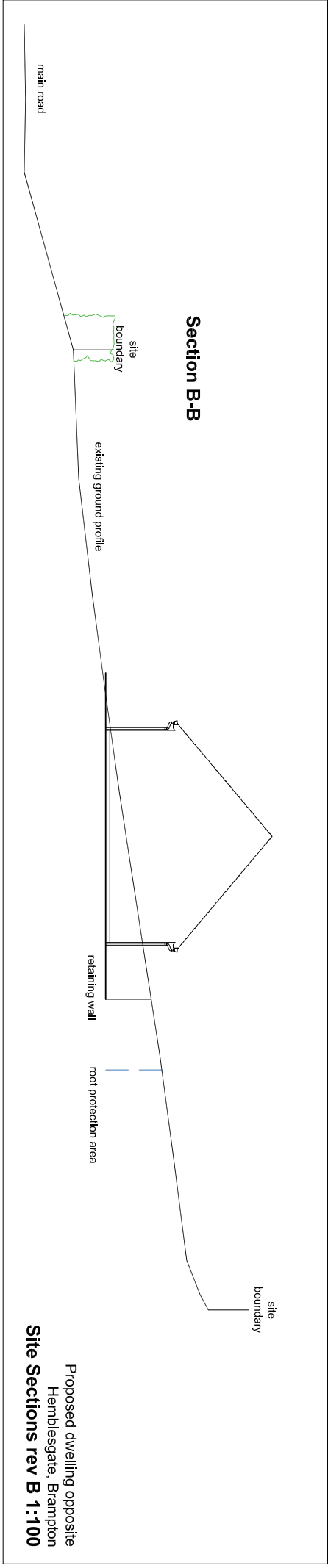
Side Elevation



Plan 1:200



Section A-A



Section B-B