

## SCHEDULE A: Applications with Recommendation

15/0352

Item No: 07

Date of Committee: 10/07/2015

**Appn Ref No:**  
15/0352

**Applicant:**  
Mr Braisted

**Parish:**  
Kirklington Middle

**Agent:**  
PF&K Planning

**Ward:**  
Lyne

**Location:** Land between Stonelea and Bluebell Cottage, Smithfield, Carlisle, CA6 6DL

**Proposal:** Erection Of 1no. Dwelling (Outline)

**Date of Receipt:**  
22/04/2015

**Statutory Expiry Date**  
17/06/2015

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Proposal Is In A Sustainable Location
- 2.3 The Impact Of The Proposal On The Character Of The Area
- 2.4 Whether The Scale And Design Would Be Acceptable
- 2.5 Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.6 Other Matters

#### 3. Application Details

##### Update

3.1 At a meeting of the Development Control Committee on 5th June 2015, Members resolved to defer consideration of the application in order to undertake a site visit.

## **The Site**

- 3.2 The application site, which forms part of a field, lies approximately 500m to the east of the centre of Smithfield and around 300m from the village school. A hedge runs along the front of the site and there is an existing field access from the site onto Skitby Road, which adjoins the site to the north.
- 3.3 Stonelea, a two-storey dwelling, lies directly to the west of the application site, with Bluebell Cottage, a single-storey dwelling, adjoining the site to the east. A live-work unit lies to the west of Stonelea, beyond which lies Longlands which is a modern, detached bungalow. A large field separates Longlands from Fir Ends School, which is located at the eastern edge of the village.

## **Background**

- 3.4 An application for the erection a dwelling on the site of the live-work unit, that has been built directly to the west of Stonelea, was refused in April 2003 and a subsequent appeal was dismissed. The Inspector concluded that the proposed bungalow and garage would be poorly related to the existing pattern of built development, would harm the character and open appearance of this area of countryside and would leave future residents reliant upon the car. This would be contrary to the provisions of the Structure Plan and Local Plan policies and to the objectives of national policy that seek to create sustainable patterns of development and to protect the countryside for its own sake.
- 3.5 In July 2011, Members granted planning permission (subject to the completion of S106 Legal Agreement) for the erection of a live-work unit on land directly to the west of Stonelea. The live-work unit, which has been constructed, is located on a former nursery and market garden which had the appearance of a greenfield site.
- 3.6 The application was recommended for refusal for three reasons: the application site is not within or adjacent to Smithfield but is in the open countryside; the application site is detached from the main settlement of Smithfield and lies in an unsustainable location which would encourage car use; and the application site forms an undeveloped gap between two existing dwellings and development in this location would harm the rural character and open appearance of this area of countryside.
- 3.7 Members approved the application due to special circumstances. These included: the site was currently an eyesore and was brownfield; the applicant ran a family business and lived in the area and he intended to employ two people in his business which would make a contribution to the local economy; the applicant currently operated from three sites and this was creating more traffic in and out of the village than the proposal would create; the applicant might go out of business if this application is not approved; the community and the Parish Council welcomed the application; the development would help to support the school; and most residents of Smithfield relied on the car as there were few buses.

## **The Proposal**

- 3.8 This proposal is seeking outline planning permission for the erection of dwelling on this site. The indicative plan that has been submitted with the application shows a dwelling set back approximately 20m from the road. A garage is shown attached to the front of the dwelling, which is shown as being one-and-a-half storey.
- 3.9 The dwelling would be occupied by the current owners of Stonelea which lies directly to the west of the application site and which is in their ownership. They wish to down size to a smaller property owing to the poor health of one of the occupiers, who has suffered a series of strokes that have left him registered disabled. In the near future, the strokes will result in a further loss of mobility that will in turn necessitate a purpose built dwelling.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to two neighbouring properties. In response, seven letters of support and one letter of comment have been received.
- 4.2 The letters of support make the following points:
- the applicants are excellent neighbours and a great asset to the community;
  - support the applicants wish to remain in the community where they are both well known and involved in local activities and support local businesses;
  - the applicants are valuable members of the local community and would wish them to continue to live in Smithfield;
  - support the proposal to create a retirement home which is smaller and more friendly to the applicant's disability and reduced mobility and health levels than their present home;
  - the land to the east of the applicant's property has recently had a large house erected on it;
  - the proposal to build on land to the west of their dwelling would fill in a gap.
- 4.3 The letter of comment does not oppose the application in principle but raises concerns about the height of any proposed building which should be single-storey. Bluebell Cottage which adjoins the site to the east has an apex of 4.1m and the height of the new building should be the same as this. Should permission be approved it would be appropriate for the occupiers of Bluebell Cottage to apply for a detached studio residence on their residential

land for a disabled father.

## 5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;  
Kirklington Parish Council: - no comments received.

## 6. Officer's Report

### Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, CP1, CP2, CP3, CP4, CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

6.2 Carlisle's emerging new Local Plan 'The Carlisle District Local Plan 2015 - 2030' was published as a proposed submission draft for consultation, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, on the 4<sup>th</sup> March 2015. Consultation on the Plan closed on 20<sup>th</sup> April, beyond which the Council intend to submit the Plan for independent examination in June 2015.

6.3 Paragraph 216 of the National Planning Policy Framework identifies that:

*"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

6.4 Carlisle City Council resolved at their meeting of the 10<sup>th</sup> February 2015, with regards to the emerging Local Plan, that *"once published for consultation, weight be given to the Carlisle District Local Plan (2015 – 2030) as a material consideration when exercising Development Management policy decisions, in accordance with paragraph 216 of the National Planning Policy Framework".*

6.5 In exercising a decision on the proposal regard has therefore been had to the relevant policies and proposals within the emerging Carlisle District Local Plan 2015 - 2030. The particular weighting afforded to policies and proposals of relevance has been arrived at by considering each in turn and by way of reference to the provisions of paragraph 216 of the NPPF. The policies of particular relevance to this application in the CDLP 2015-2030 are Policies

SP1, SP2, HO2, GI1, GI3, GI6, SP6 and IP6.

6.6 The proposal raises the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

6.7 Whilst Smithfield is identified as a Local Service Centre in the adopted Local Plan, the application site is 300m from the village school and over 500m from the centre of the village. It is clearly not adjacent to the settlement and lies in the open countryside.

6.8 The applicant's agent states that the site is within a small enclave of predominantly residential properties known as Greenwoodside, which is separated from the main core of Smithfield by an agricultural field. The site is less than five minutes walk from the centre of the village and is served by a bus service. Thus despite the separation, the agent considers that functionally Greenwoodside can clearly be regarded as part of the larger settlement of Smithfield. Greenwoodside residents currently walk when going to the facilities in Smithfield.

6.9 The applicant is looking to downsize to a smaller property owing to the poor health of one of the occupiers, who has suffered a series of strokes that have left him registered disabled. In the near future, the strokes will result in a further loss of mobility that will in turn necessitate a purpose built dwelling.

6.10 The agent considers that the approval of the live-work unit directly to the west of Stonelea has confirmed that the existing houses at Greenwoodside are part of Smithfield and established a precedent on which this application seeks to rely.

6.11 Para 55 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It also states that Local Planning Authorities should avoid new isolated homes in the countryside, unless there are special circumstances. The special circumstances put forward by the applicant are not considered sufficient to justify the erection of a new dwelling in this location. The live-work unit was approved by committee for specific reasons and does not set a precedent for future residential development in this area.

6.12 Given that the site lies in the open countryside in an unsustainable location, the erection of a new dwelling in this location would be contrary to policy DP1 of the Carlisle District Local Plan 2001-2016.

2. Whether The Proposal Is In A Sustainable Location

6.13 Given that there is no pavement between the application site and the edge of Smithfield (a distance of 300m) occupiers of any dwelling on this site would be unlikely to walk to facilities in the village and would be reliant on the car. Given the lack of public transport in the area, virtually all journeys to and from the site would be car borne. The proposal is, therefore, contrary to the aims

of promoting sustainability (Policy DP1 of the Carlisle District Local Plan) and contrary to the intentions of Government Policy as far as it relates to sustainability.

### 3. The Impact Of The Proposal On The Character Of The Area

- 6.14 The application site forms part of a field that lies between two existing dwellings. The proposal would not be infill development, in the sense of filling a small gap between an otherwise continuously built-up frontage, but would instead comprise a further step in consolidating a loose and isolated ribbon of development in the open countryside. The proposal would, therefore, have an adverse impact on the rural character and open appearance of the area.

### 4. Whether The Scale And Design Would Be Acceptable

- 6.15 The application is in outline, with all matters reserved for subsequent approval. The scale and design of the proposal would, therefore, be considered at the Reserved Matters stage.

### 5. Impact On The Living Conditions Of The Occupiers of Any Neighbouring Properties

- 6.16 The dwelling shown on the indicative plan would be sited to the rear of the site. In order to reduce the impact on the occupiers of the neighbouring properties, this dwelling might need to be moved further forward towards the road. It is clear that a dwelling could be erected on the site without having an adverse impact on the living conditions of the occupiers of the neighbouring properties and these issues will be resolved at the Reserved Matters stage.

### 6. Other Matters

- 6.17 County Highways has no objections to the proposal, subject to the imposition of conditions.
- 6.18 Conditions could be added to any permission to deal with the foul and surface water drainage that would be generated from a dwelling on this site.

## Conclusion

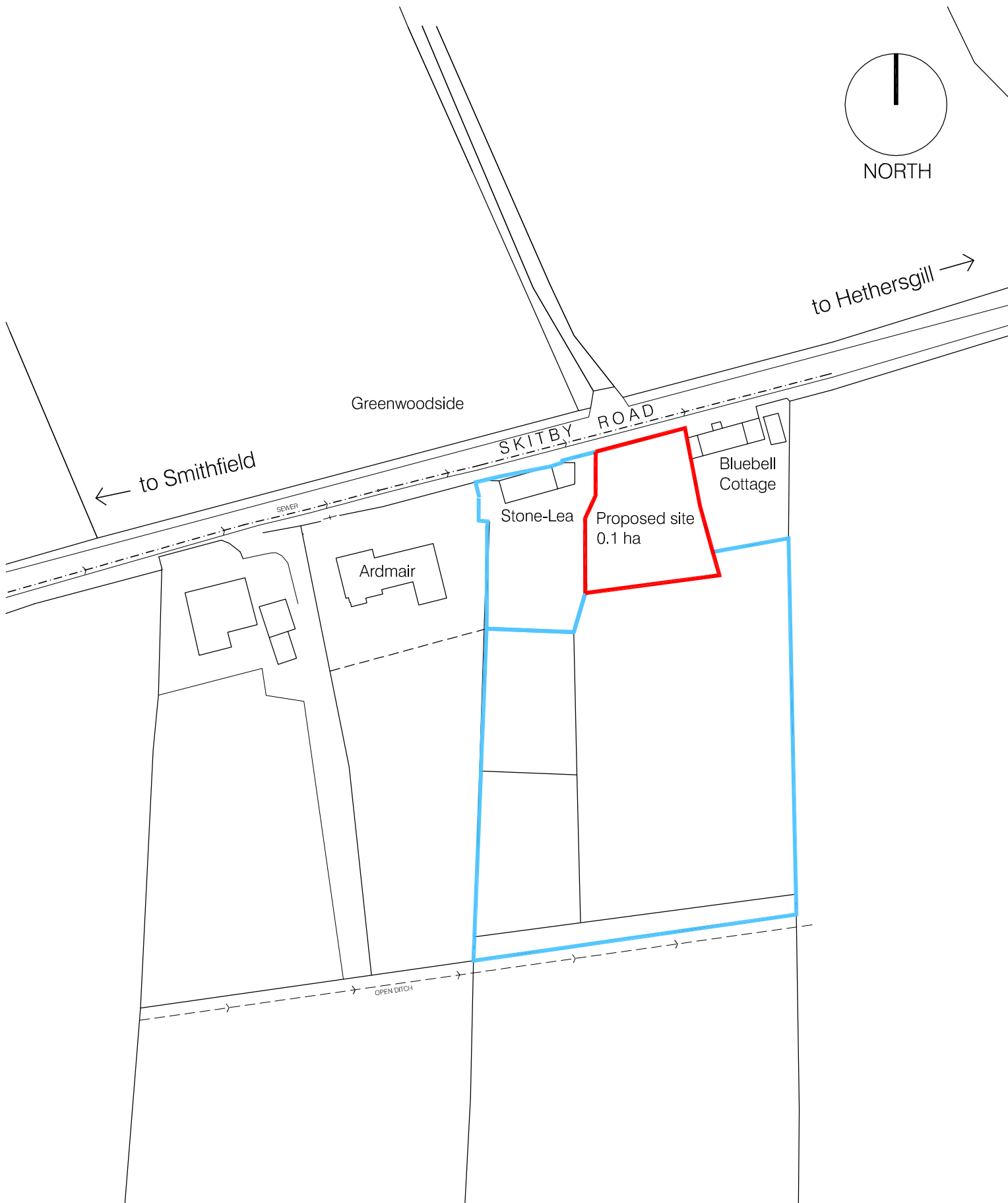
- 6.19 The proposal to erect a new dwelling in the open countryside, 300m away from the edge of Smithfield, would be contrary to planing policy. The proposal would be sited in an unsustainable location and would have an adverse impact on the character of the area. The proposal is, therefore, contrary to Paragraph 55 of the NPPF and Policies DP1 and CP1 of the Carlisle District Local Plan 2001-2016.

## 7. Planning History

- 7.1 There is no planning history relating to this site.


**8. Recommendation: Refuse Permission**

1.     **Reason:**     The proposal is seeking to erect a new dwelling on a site that is 300m from the edge of Smithfield and which is an unsustainable location. The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The special circumstances put forward by the applicant are not considered sufficient to justify a new dwelling in this location. The proposal is, therefore, contrary to Policy DP1 of the Carlisle District Local Plan 2001-2016 and Paragraph 55 of the National Planning Policy Framework.
  2.     **Reason:**     The application site forms part of a field that lies between two existing dwellings. The proposal to erect a new dwelling within this gap would harm the rural character and open appearance of this area of countryside. It would, therefore, be contrary to Policy CP1 (Landscape Character) of the Carlisle District Local Plan 2001-2016.
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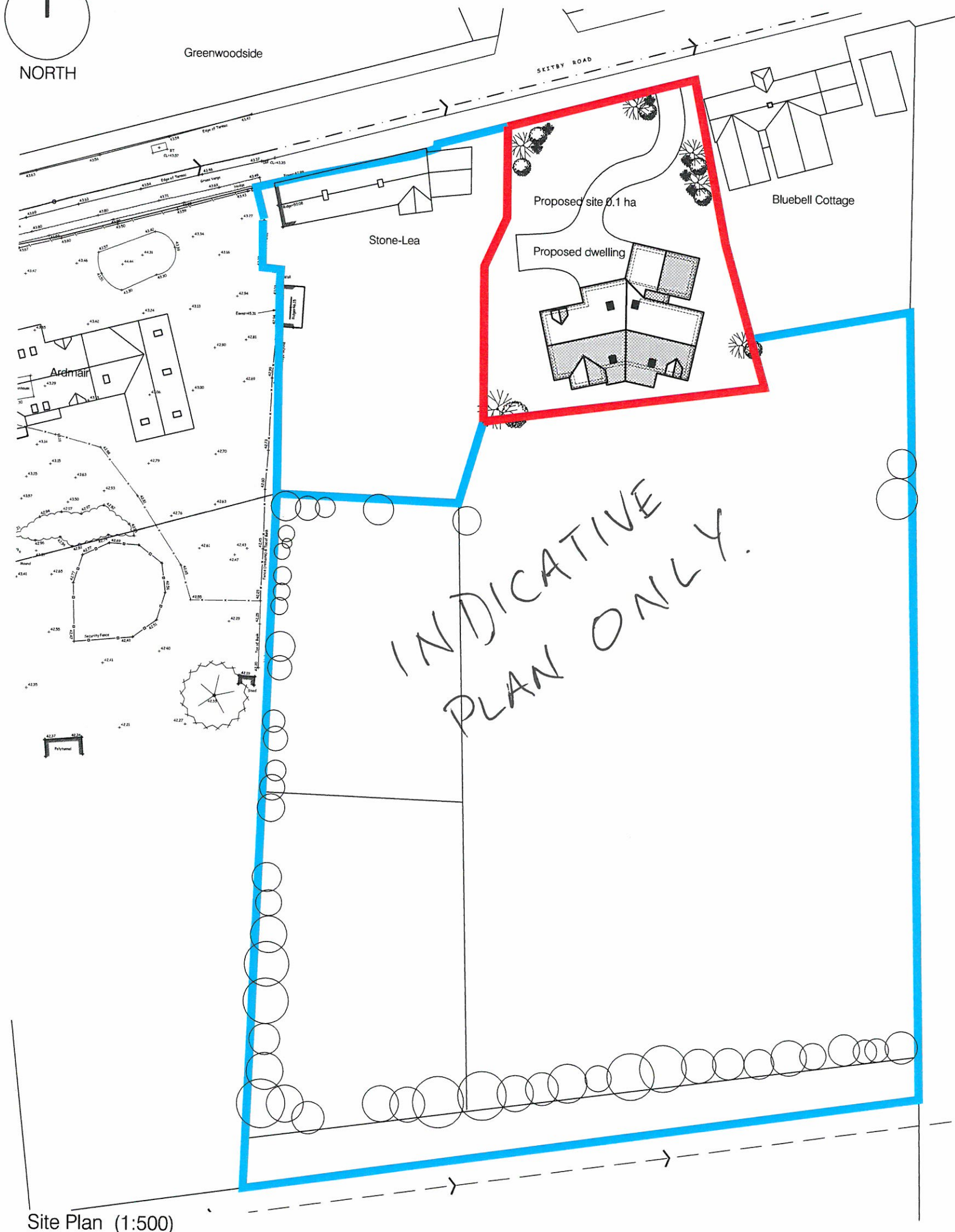
Location Plan (1:1250)

Revisions:  
A 17-04-15 Red line amended . WJC

<p><b>Graham K Norman Architect</b> CHARTERED PRACTICE UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA, CA11 9FB 01768 868274 mail@grahamknorman.co.uk www.grahamknorman.co.uk</p> 	<p><b>AS PROPOSED LOCATION PLAN</b></p> <p>drawing title</p> <p><b>PROPOSED DWELLING SITE ADJ TO STONE-LEA, SMITHFIELD</b></p> <p>works</p> <p>client <b>MR J BRAISTED</b></p>	<p>01-01-14 date BB 1-1250@A4 scale</p> <p><b>114-165-01 A</b></p> <p>drg. no. rev</p>
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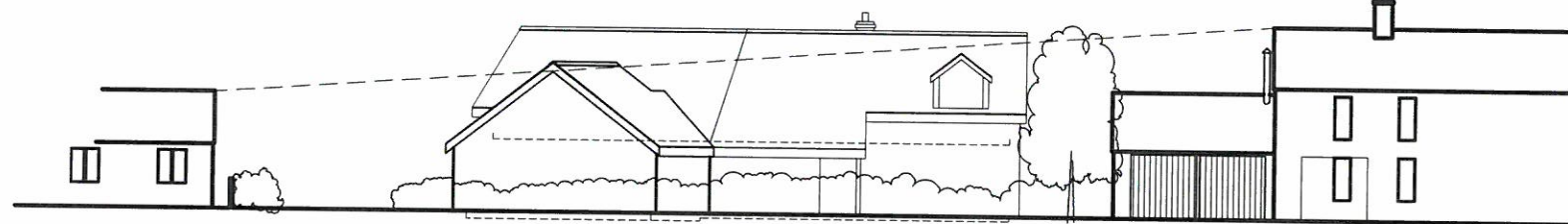


Site Plan (1:500)

Bluebell Cottage

Proposed dwelling

Stone-Lea



Indicative street view (1:250)

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