

SCHEDULE B

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**Item No: 06**

Between 20/12/2017 and 26/01/2018

**Appn Ref No:**  
17/0094**Applicant:**  
Mr P Lee**Parish:**  
Westlinton**Date of Receipt:**  
07/02/2017**Agent:**  
Richard Lee Project  
Planning (RLPP)**Ward:**  
Longtown & Rockcliffe**Location:**  
Green Meadows (former Dandy Dinmont Caravan  
Park), Blackford, Carlisle, CA6 4EA**Grid Reference:**  
339733 562204**Proposal:** Variation Of Conditions 3 (The Total Number Of Permanent Residential Units To Be Stationed On The Site At Any One Time Shall Not Exceed 37no. Plus 27no. Touring Caravan Pitches And 20no. Tent Pitches) And Condition 5 (The Touring Caravan Pitches And Tent Pitches Shall Be Used Solely For Holiday Use And Shall Not Be Occupied As Permanent Accommodation) Of Previously Approved Planning Permission 16/0625**Amendment:**  
  

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**REPORT****Case Officer:** Barbara Percival**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 17/01/2018

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# Appeal Decision

Site visit made on 28 November 2017

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 January 2018**

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**Appeal Ref: APP/E0915/W/17/3182726**

**Green Meadows, Blackford, Carlisle CA6 4EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr P Lee against the decision of Carlisle City Council.
  - The application Ref: 17/0094, dated 3 February 2017, was refused by notice dated 13 July 2017.
  - The application sought planning permission for the proposed reconfiguration of existing caravan park to allow siting of 37no. holiday static units (inclusive of 15no. residential units), 27no. touring pitches and 20no. tent pitches including associated landscaping without complying with conditions attached to planning permission Ref: 16/0625, dated 4 October 2016.
  - The conditions in dispute are Nos. 3 and 5 which state that: *The total number of static holiday units to be stationed on the site at any one time shall not exceed 37no. inclusive of the 15no. permanent residential units, 27no. touring caravan pitches and 20no. tent pitches;* and *The static units, touring caravan pitches and tent pitches shall be used solely for holiday use with the exception of 15no. permanent holiday units and shall not be occupied as permanent accommodation.*
  - The reasons given for the conditions are: *For the avoidance of doubt* and *To ensure that the approved static units, touring caravans and tents are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC15 of the Carlisle District Local Plan 2001-2016 and Policy EC10 of the Carlisle District Local Plan 2015-2030.*
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The postcode on the decision notice issued by the Council and also used on the appeal form differs from that on the planning application form. The planning application form uses the correct postcode and I have used that for the appeal. The street address on the planning application form is less clear than that used on the decision notice and appeal form and, consequently, I have used the address used on the appeal form as this adequately locates the site.
3. Condition 5 of planning permission reference 16/0625 **refers to "15no. permanent holiday units"**. **The Council set out in the officer's report that it is acknowledged that there is a drafting error in this condition and that this**

reference is to the fifteen static caravans currently present on the site which have planning permission to be occupied as permanent residences.

4. The planning application that forms the subject of this appeal sought to remove conditions 3 and 5 of planning permission reference 16/0625 and replace them with new conditions reading respectively:
  - The total number of permanent residential units to be stationed on the site at any one time shall not exceed 37no. plus 27no. touring caravan pitches and 20no. tent pitches; and
  - The touring caravan pitches and tent pitches shall be used solely for holiday use and shall not be occupied as permanent accommodation.
5. I have, therefore, determined the appeal on the basis of the above.

### **Main Issues**

6. The main issue in this appeal is whether the conditions are necessary having regard to the development plan and the location of the appeal site in terms of access to shops, services and other facilities.

### **Reasons**

7. Policy EC 10 of the Carlisle District Local Plan 2015-2030 (the Local Plan) sets out criteria against which proposals for the development or extension of caravan, camping and chalet sites will be assessed. It also states the Council will consider the need to impose conditions to prevent permanent residential occupation. The supporting text to Policy EC 10 states that there may be circumstances where there is a need to preserve the supply of visitor accommodation or that such sites may not be in a location considered sustainable for occupation as primary residences.
8. It is not argued by the Council that the appeal site is required to preserve the supply of visitor accommodation, however, it is contended that the location is not considered sustainable for buildings or structures occupied as primary residences.
9. Whilst the reason for Condition 5 also refers to Policy EC15 of the Carlisle District Local Plan 2001-2016, the Council have confirmed that this is no longer an operative policy and that it has been superseded by Local Plan Policy EC10.
10. Policy SP2 of the Local Plan sets out the spatial strategy for the area. It expects that approximately 70% of growth will be focussed on the urban area of Carlisle, with approximately 30% in the rural area of the district. It also sets out that **within the District's rural** settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be supported in order to support rural communities, and that, where possible and appropriate, the re-use and redevelopment of previously developed land will be encouraged.
11. Local Plan HO2 relates to windfall housing sites and sets out a number of criteria against which these will be assessed. These include, among others, where new housing in villages in the rural area would not prejudice delivery of the spatial strategy and the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing

settlement; the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement; and whether there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown.

12. Policy HO10 expects proposals for new development intended to meet a particular housing need, such as older persons housing, to be in appropriate sustainable locations close to a range of services and facilities.
13. Local Plan Policy SP6 seeks to ensure that new development is of a high standard of design that is appropriate to and has regard to its context.
14. Planning permission 16/0625 granted planning permission for the siting of an additional 22 static caravans at the site for use as holiday accommodation. This permission was subsequently amended to allow the static caravans to be occupied as holiday accommodation all year round. The appeal proposal would result in these additional units becoming permanent residential accommodation.
15. Blackford is a highly dispersed settlement comprising a small number of dwellings, a number of farms, a church and a primary school, together with a plant hire business and the appeal site itself, which presently operates as a caravan and camping site adjacent to a number of static caravans used as permanent dwellings. At the time of my site visit there were 14 static caravans present on the site with one hardstanding area vacant. The character of the settlement is one of dwellings associated with, or formerly associated with, agricultural operations or with small rural based businesses providing only rudimentary facilities.
16. Local Plan Policies SP2 and HO2 expect development to be appropriate to the scale, form, function and character of the existing settlement. The proposal would result in an additional 22 permanent dwellings in the settlement, which would represent a significant increase over the present number and, in my view, would not be appropriate to the scale, form, function and character of the existing settlement. I am mindful that there is a planning permission in place that would allow essentially similar structures to be sited within the same area that could be occupied all year round. However, there is a fundamental difference between short term occupation as a holiday or second home and occupation as a permanent residence, particularly in terms of the day to day living requirements, such that the two uses are not analogous.
17. The proposal would not alter the built form or extent of the settlement over and above that which would result if the planning permission for holiday use static caravans were to be implemented. It is not suggested by the Council that the proposal would cause harm to the character and appearance of the landscape or that it does not represent an acceptable standard of design. Nor is it contended that there would be any conflict between a permanent residential use and the use of the remaining parts of the site for holiday accommodation.
18. Nonetheless, at present the settlement has a small permanent population which would be significantly increased by the proposal. It is stated that the occupation of the proposed dwellings would be restricted to persons over the age of 50. From the evidence there is an ageing population profile in the rural areas of the district and the proposed development, in combination with the

existing park homes which it is stated are also occupied by people over the age of 50, would significantly skew the demographic of the settlement. This would run contrary to the requirements of Paragraphs 50 and 69 of the National Planning Policy Framework (the Framework) which seeks to create sustainable, inclusive, and mixed communities.

19. **Blackford has very limited services and facilities.** Whilst I note the appellant's point that there is a church, primary school, telephone box, post box and parish notice board, these would do little to meet the day to day living requirements of the prospective future residents. A wider range of shops services and other facilities are located at Kingstown in Carlisle, approximately 3 kilometres to the south.
20. It is common ground that it is unlikely that these services would be accessed on foot or by cycle due to the distance and the nature of the roads. There is a regular half hourly bus service that stops on the A7 road near the appeal site. Although there is disagreement between the parties regarding the distance from the appeal site to these bus stops, with the Council stating approximately 460 metres and the appellant approximately 250 metres, both distances are a reasonable walking distance.
21. Whilst there is a footway adjacent to the A7, the unclassified road that links this to the access to the managers bungalow does not have continuous footways or streetlighting, and I saw when I visited the site that, whilst not heavily trafficked, there were frequent vehicle movements on this stretch of road and that the average speed of vehicles was relatively high. Whilst the southbound bus stop is readily accessible, at this point the A7 is subject to a 50 miles per hour speed limit, is unlit and has no formalised crossing points. Passengers embarking or disembarking from northbound bus services would have to cross this busy trunk road to reach the appeal site.
22. I therefore agree with the **Council's position that, given the development is** aimed at people over the age of 50, whilst there is access to public transport, the location of the bus stops and the nature of the highway is such that the future occupiers of the development would be discouraged from using public transport. Consequently they would be likely to be dependent on private cars for accessing shops and the services and facilities, particularly medical facilities, required by people in that age group. Even if the dwellings were not occupied by persons over the age of 50, the location of the bus stops is such that, particularly during the winter months, public transport would not be an attractive option.
23. The proposal would therefore conflict with Policies SP2, HO2 and HO10 of the Local Plan and would not be a location sustainable for occupation as primary residences. Consequently, the conditions are necessary as required by Local Plan Policy EC10.
24. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework seeks to boost supply of housing and I **have noted the appellant's point that recent** developments in the district have not necessarily delivered housing of a type that would be suitable for older persons. Whilst the Council have not submitted any evidence that would contradict this, the objective of the Framework to boost the supply of housing

is not one that should be pursued at all costs and the location of the appeal site is such that it would not facilitate older people continuing to live in the community where they have been resident, or moving closer to family or others who are able to support them.

25. The Framework also seeks to support a pattern of development that facilitates the use of sustainable modes of transport and minimises the need to travel, although it does recognise that the opportunities to maximise use of sustainable transport will vary from urban to rural areas. I have noted the **appellant's point regarding the ease and availability of on-line shopping**, however, this does not of itself make a location suitable for permanent residential occupation and still necessitates travel in the form of delivery vehicles.
26. Taken as a whole, although the proposal would result in a small increase in the supply of housing that would be available to older people and this weighs moderately in favour of the proposal, the resulting development would significantly increase the permanent population of a very small, dispersed settlement, with few facilities to meet the day to day living requirements of the prospective future residents. This would result in a substantial change in the function and character of the settlement, **contrary to the Council's spatial strategy**, and the location of the appeal site would not minimise the need for travel to meet the day to day requirements of the future residents. This weighs heavily against the proposal and is not outweighed by the small increase in the housing stock.
27. I therefore find that the appeal site would not be a suitable location for permanent residential occupation in terms of access to shops, services and other facilities. It would be contrary to the relevant requirements of Policies SP2, HO2 and HO10 which seek to ensure that new housing is located in the most sustainable locations. Consequently, I conclude that the conditions are necessary.

## **Conclusion**

28. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR

## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 07**

Between 20/12/2017 and 26/01/2018

**Appn Ref No:**

17/9016

**Applicant:**

Inglewood Nursery &  
Infant School

**Parish:**

Carlisle

**Date of Receipt:**

23/11/2017

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Harraby

**Location:**

Inglewood Infant School, School Road, Carlisle,  
CA1 3LX

**Grid Reference:**

342079 554232

**Proposal:** Single Storey Classroom Extension Connected To The Main School By  
Converting The External Store To An Access Corridor

**Amendment:**

### REPORT

**Case Officer:** Suzanne Osborne

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 12/12/2017

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 25/01/2018

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**The Town and Country Planning Act 1990****Notice of Planning Permission**

To: Inglewood Infant School and Nursery  
School Road  
Carlisle  
CA1 3LX

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 14 November 2017.

**viz: Single-storey Classroom extension connected to the main school by converting an external store to an access corridor.**

**Inglewood Infant School, School Road, Carlisle, CA1 3LX**

Subject to due compliance with the following conditions:

**TIME LIMIT FOR IMPLEMENTATION**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

**APPROVED SCHEME**

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. The submitted Application Form – dated 2 November 2017
  - b. AR-MS Inglewood Extension – Design and Access Statement
  - c. Plans numbered and named:
    - i) 03-12-18-1-1123-NPS-DR-A-010 Rev P1 – Site Location Plan
    - ii) 03-12-18-1-1123-NPS-DR-A-011 Rev P1 –Existing Site Plan
    - iii) 03-12-18-1-1123-NPS-DR-A-014 Rev P1 – Proposed Site Plan
    - iv) 03-12-18-1-1123-NPS-DR-A-0125 Rev P1 – Proposed GA Plan
    - v) 03-12-18-1-1123-NPS-DR-A-0110 Rev P1 – Proposed Elevations
  - d. The details or schemes approved in accordance with the conditions attached to this permission <<If any required>>

*REASON: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

**SCHOOL TRAVEL PLAN**

3. Prior to the classroom being brought into use, an updated Travel plan shall be submitted the Local Planning Authority for approval. When approved the plan shall be implemented in full.

*REASON: To minimise impacts on residential amenity in accordance with CDLP policy HO12*

Dated 25 January 2018

Signed: Angela Jones  
Assistant Director of Economy & Environment  
on behalf of Cumbria County Council.

## NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display?applicationNumber=1/17/9016>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.

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## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27](#) of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission

**REFERENCE No. 1/17/9016**

may relate to more than one condition.