

SCHEDULE A: Applications with Recommendation

13/0612

Item No: 06

Date of Committee: 11/10/2013

Appn Ref No:
13/0612

Applicant:
Mr Cathers

Parish:
Brampton

Date of Receipt:
06/08/2013 16:00:14

Agent:
Positive Planning Solutions Ltd

Ward:
Brampton

Location:

Land adjacent Woodvale, Tarn Road, Brampton

Proposal: Erection Of 1no. Dwelling

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 and detached garage 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 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.

The Proposal

- 3.4 The application seeks Full Planning Permission for the erection of one dwelling with a detached garage. The submitted drawings illustrate a two storey property, the overall length of which would be 14.1 metres with a maximum width of 12.4 metres. The maximum ridge height of the dwelling would be 8.4 metres.
- 3.5 The accommodation would comprise of a lounge, sunroom, hallway, cloakroom, utility, kitchen, dining room and study with 1no. ensuite bedroom, 3no. bedrooms and bathroom above. Access would be via an existing field access in the north western corner of the site. The detached double garage would be 11.7 metres long by 6.9 metres wide with a ridge height of 5.2 metres.
- 3.6 The proposed materials would be facing brickwork and stone with a tiled roof.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of one neighbouring property and the posting of a Site Notice. In response, one e-mail of objection has been received.
- 4.2 The e-mail identifies the following issues:
 - 1. a two storey dwelling on this site of Tarn Road is inappropriate as there are currently bungalows on either side of the proposed development, albeit some distance away;
 - 2. if planning permission is granted, this would lead to the potential for other "infill" development on this mainly rural section of Tarn Road.
- 4.3 The Ward Councillor supports the application and has requested that Members of the Committee consider the application.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - submitted details are acceptable subject to the imposition of conditions and an informative;

Brampton Parish Council: - support application;

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

Carlisle Airport: - no objections;

United Utilities: - no objection; however, if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by UU.

6. Officer's Report

Assessment

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

1. Whether The Principle Of Development Is Acceptable

- 6.2 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.
- 6.3 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"*.
- 6.4 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.

- 6.5 The Planning Statement submitted as part of the application outlines that *"although the site is outside the town boundary as drawn in the Local Plan, 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"*.
- 6.6 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.
- 6.7 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.
- 6.8 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 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.
- 6.9 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. 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.

- 6.10 Although the application has the support from the Ward Councillor and the Parish Council, 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. Furthermore, although the site is 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.
- 6.11 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 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.
- 6.12 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

- 6.13 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.
- 6.14 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 would be further exacerbated by the topography of the site where sporadic single storey or dormer style bungalows predominate on the eastern side of Tarn Road. 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 or 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. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 6.15 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.
- 6.16 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.
- 6.17 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 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

- 6.19 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 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. Impact Of The Proposal On Existing Trees and Hedgerows

- 6.20 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.

- 6.21 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

- 6.22 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 the principle is 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

- 6.23 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

- 6.24 In overall terms, the proposed site is located in a rural location 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. The siting, scale and design of the property would be alien in the context of the character and appearance of the locality surrounding properties. The proposal is, therefore, contrary to planning policies and is recommended for refusal.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Refuse Permission

1. **Reason:** 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.

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.

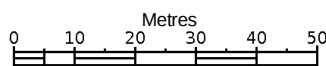
 3. **Reason:** The proposal relates to substantial two storey dwelling with detached double garage set within an extensive curtilage in open countryside. The scale and massing of which on the eastern side of Tarn Road would be further exacerbated by the topography of the site where sporadic single storey 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.
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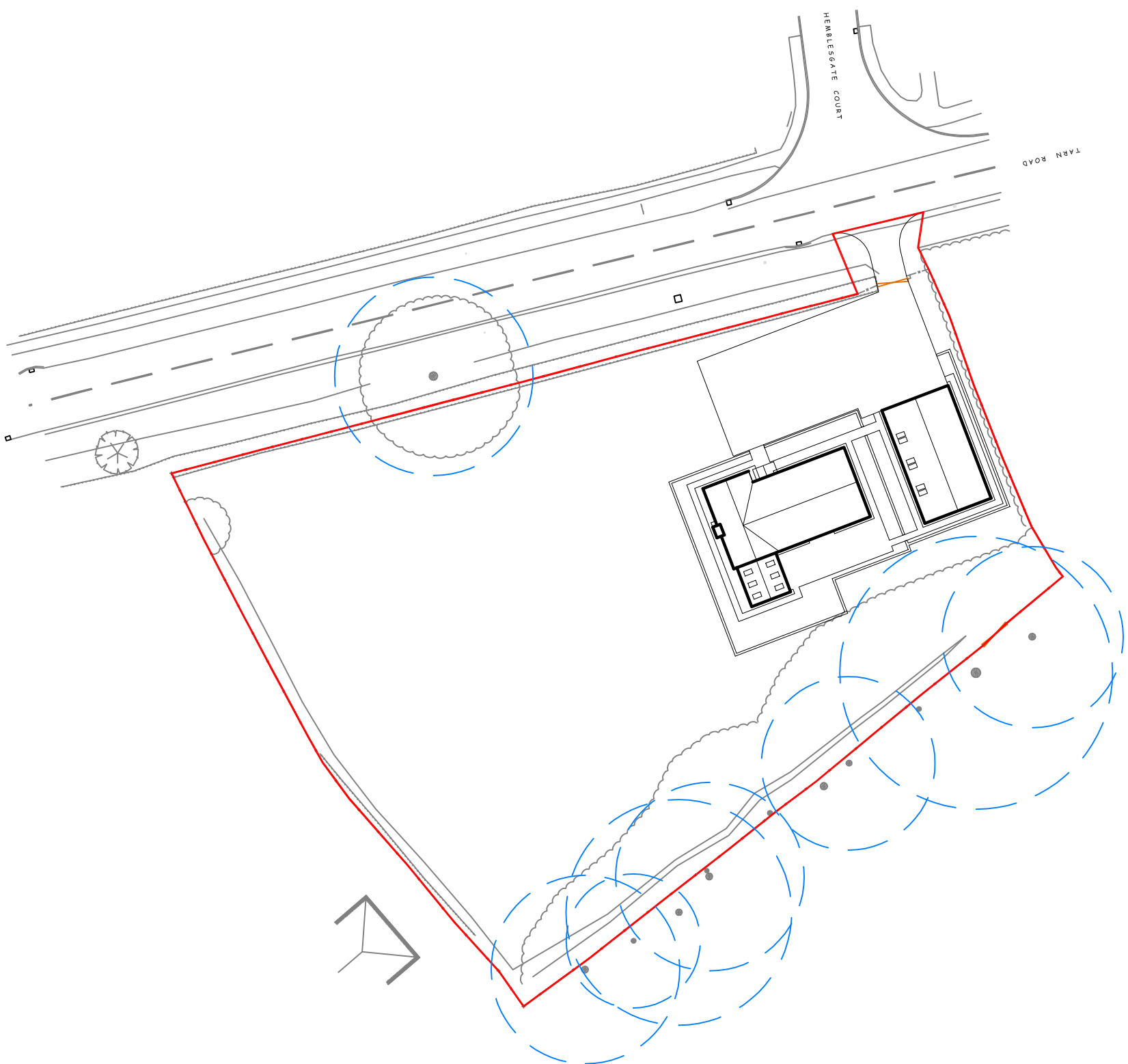
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



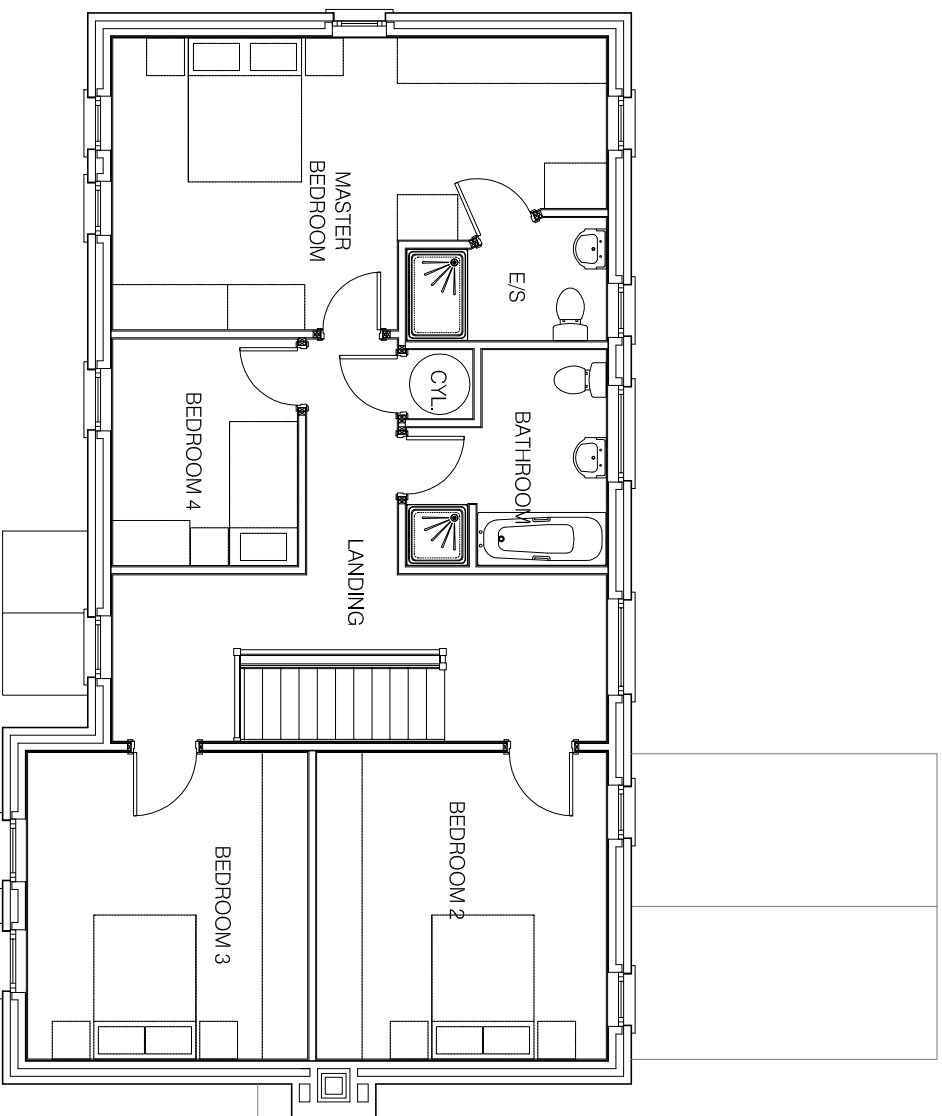
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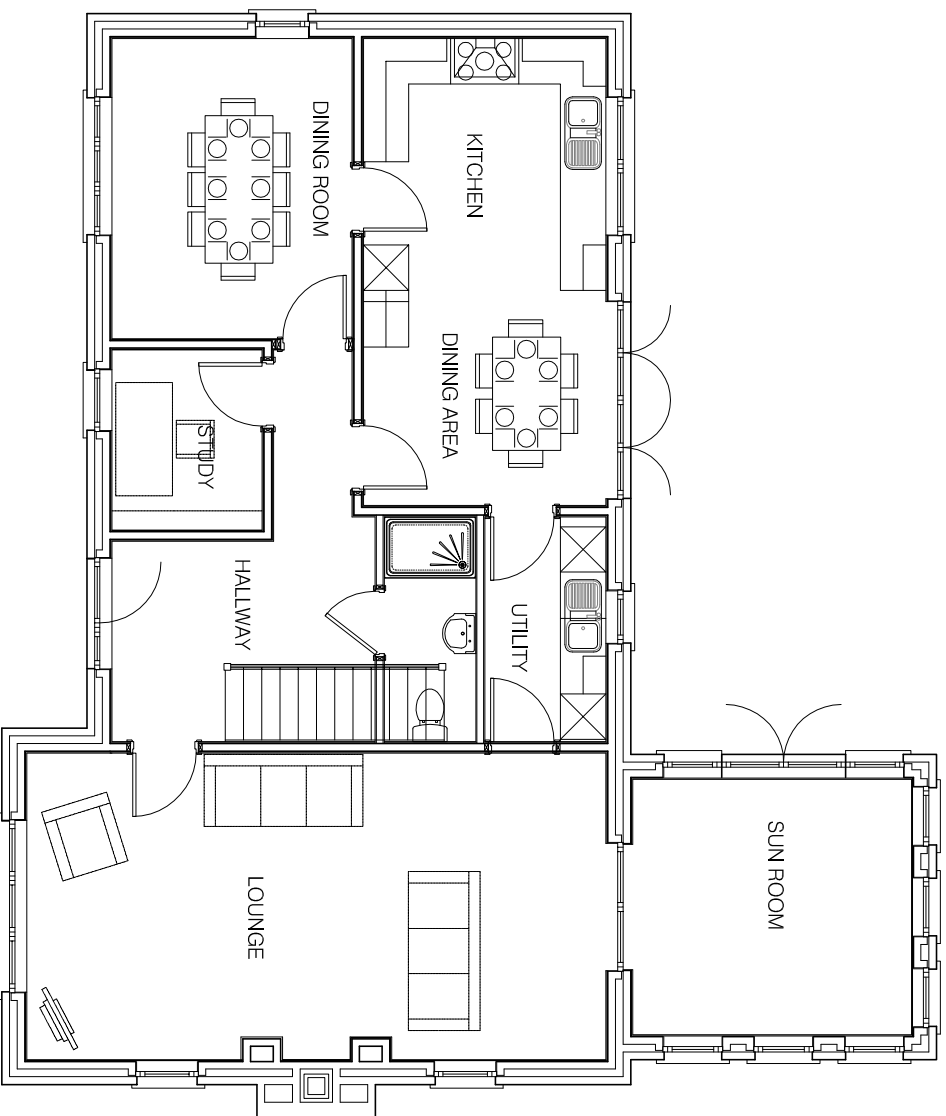
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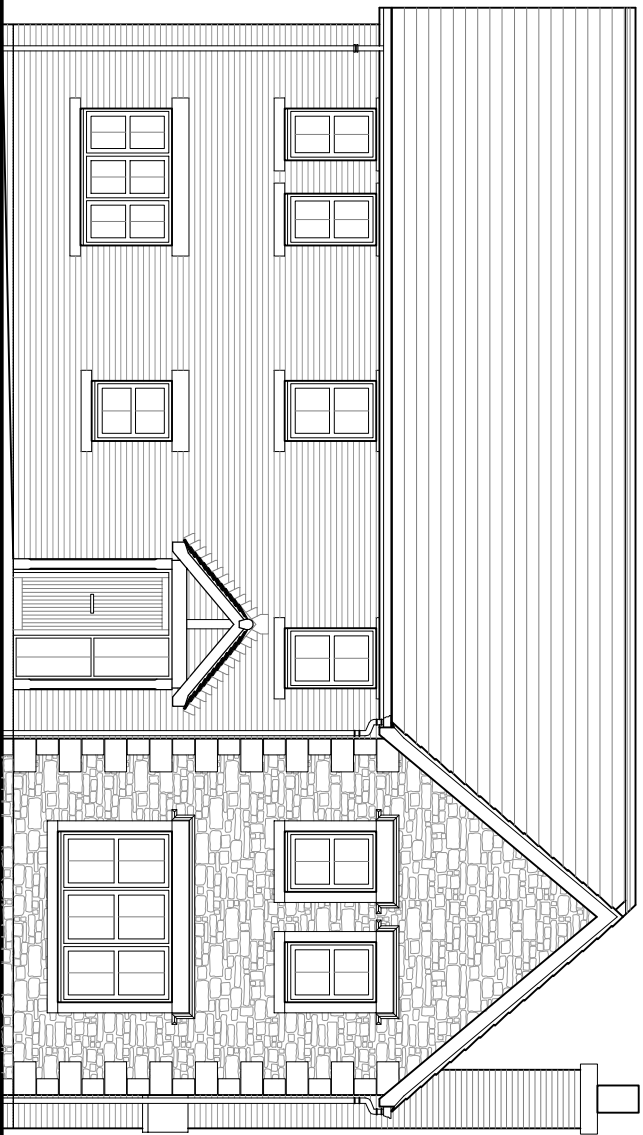
Proposed dwelling opposite
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Block Plan 1:500@A3



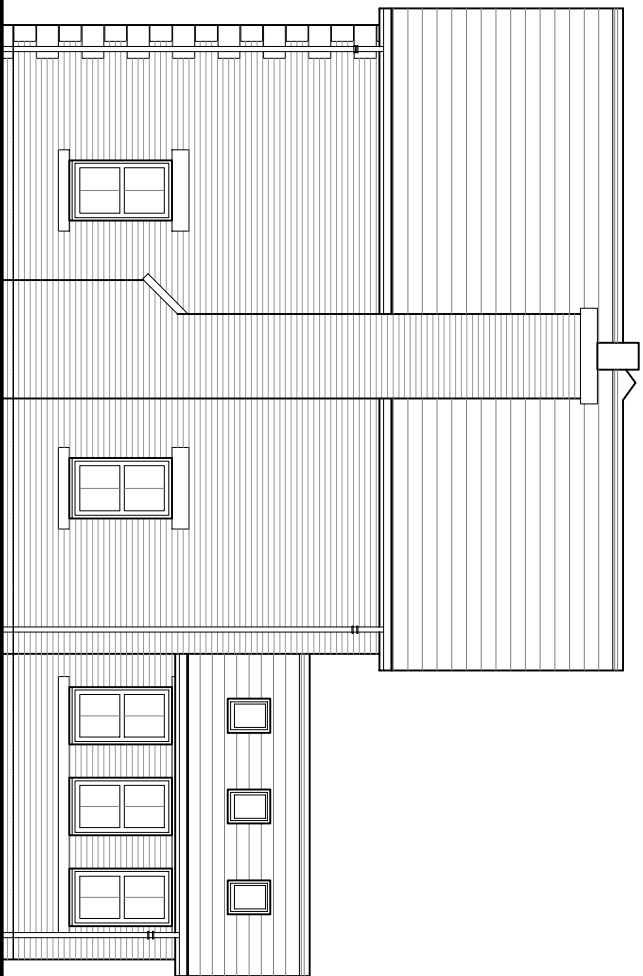
First Floor



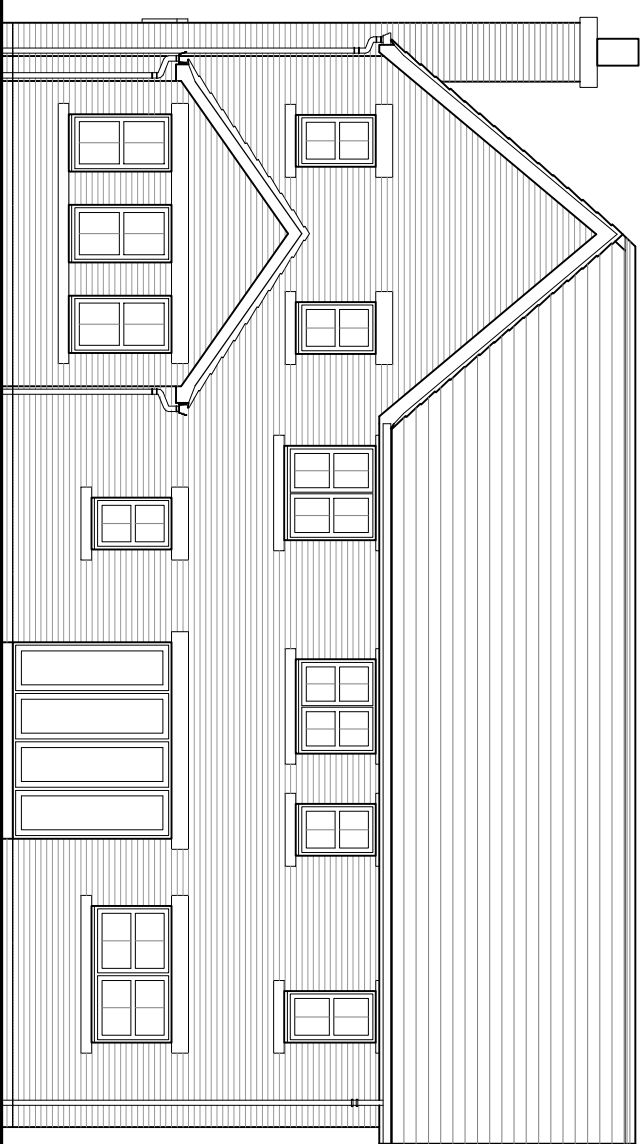
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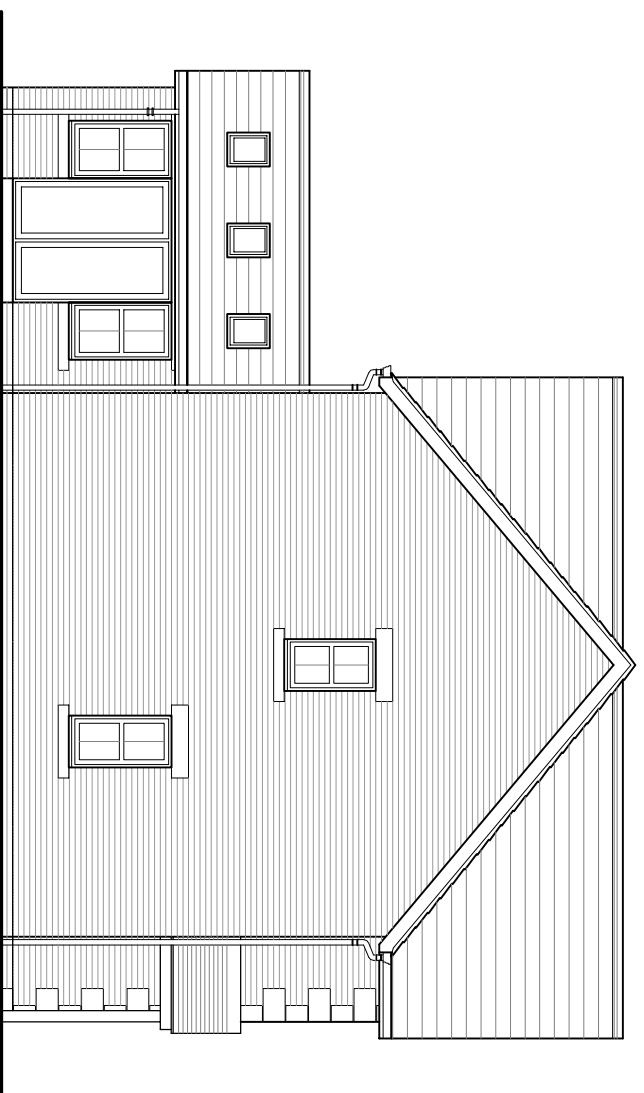
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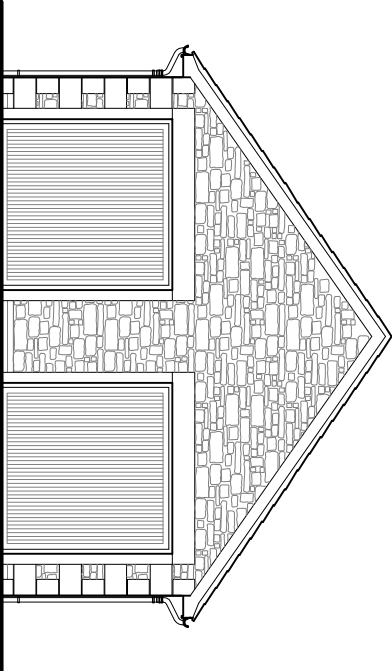
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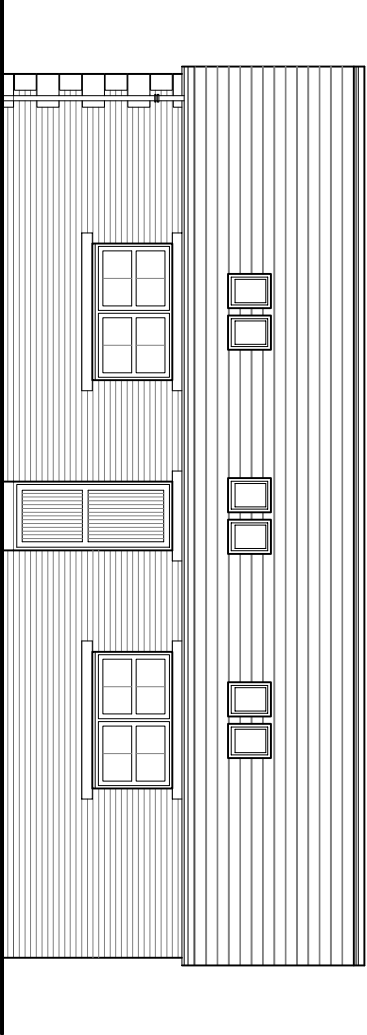
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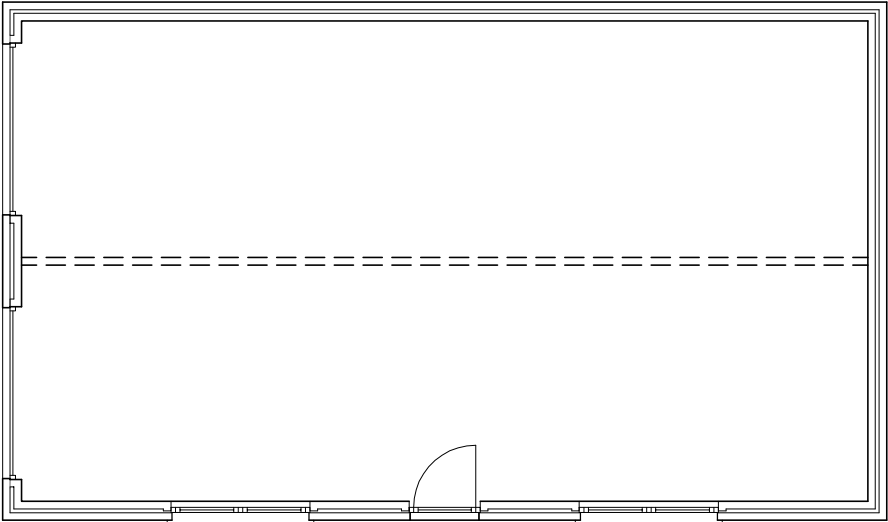
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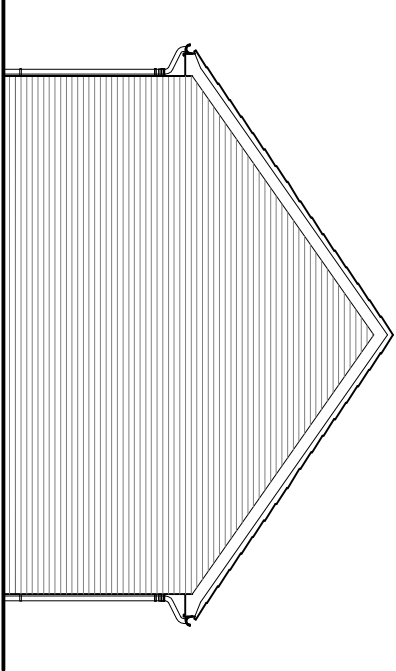
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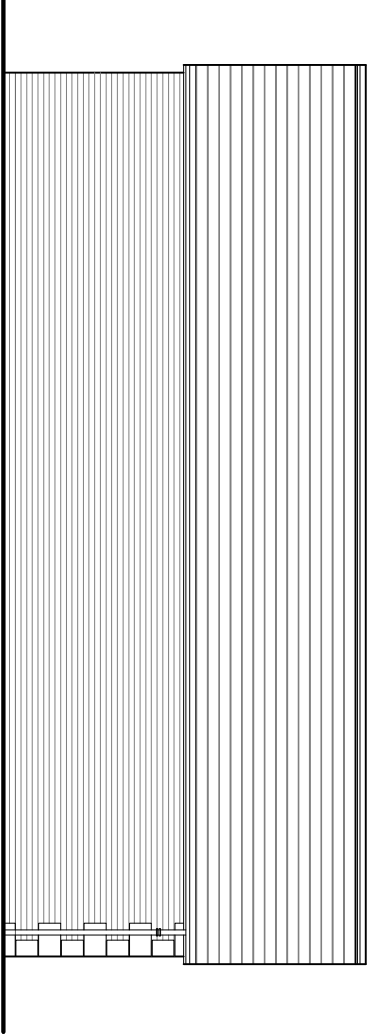
Side Elevation



Front Elevation



Rear Elevation



Side Elevation