

SCHEDULE A: Applications with Recommendation

20/0669

Item No: 05

Date of Committee: 04/12/2020

Appn Ref No:
20/0669

Applicant:
Mr Neil Monkhouse

Parish:
Stanwix Rural

Agent:

Ward:
Stanwix & Houghton

Location: 25 Whiteclosegate, Carlisle, CA3 0JA

Proposal: Change Of Use Of Agricultural Land To Garden (Retrospective/Revised Application)

Date of Receipt:
02/10/2020

Statutory Expiry Date
27/11/2020

26 Week Determination
07/12/2020

REPORT

Case Officer: Alanzon Chan

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether The Principle Of The Proposal, And The Impact Of The Proposal Upon The Character and Appearance of The Area Are Acceptable
- 2.2 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.3 The Impact Of The Proposal On Highways Safety
- 2.4 The Impact Of The Proposal On Hadrian's Wall Vallum

3. Application Details

The Site and Background Information

- 3.1 This application relates to a small rectangular parcel of agricultural land which is approximately 60m² in area, adjoining the rear garden of 25 Whiteclosegate, Carlisle.
- 3.2 Planning permissions were previously granted for eight other garden

extensions along this side of Whiteclosegate. All aforementioned garden extensions were approved on the grounds that they were all modest in scale (5m in depth) and were enclosed by either a 1.2m high post and rail fence or a 1.2m high post and wire fence, both of which are low height, agricultural style fences.

- 3.3 On 30 July 2019, the Council received a retrospective application (19/0588) to regularise the change the use of this section of an agricultural land at the rear of 25 Whiteclosegate to a residential garden. At the time the application was assessed, although the scale of the proposed garden extension was considered acceptable, planning permission was refused as the applicant insisted to enclose the garden extension area with non-agricultural style fencing varying in height up to 1.8m, which was considered inappropriate and intrusive to the open countryside and the semi-rural character of the area.
- 3.4 The applicant made an appeal against the refusal under Section 78 of the Town and Country Planning Act 1990 in May 2020 and the appeal was dismissed on 28 July 2020. The inspector considered the change of use and its enclosure to be unduly conspicuous and would have an adverse effect on the character and appearance of the area.

The Proposal

- 3.5 This is a revised application submitted by the applicant for the same proposal, however, the applicant has revised the style and height of the proposed enclosure to match those of the previously approved garden extensions along Whiteclosegate.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to two neighbouring properties. No verbal or written representations have been made during the advertisement period.

5. Summary of Consultation Responses

Historic England - North West Office: No objection in principle but the proposed works would require Scheduled Monument Consent from Historic England

Cumbria County Council - (Highways & Lead Local Flood Authority): No objection

Stanwix Rural Parish Council: recommends that determination be in accordance with national and local planning policy and guidance

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of

the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG), and Policies SP6, HE1, HE2, GI1 and GI3 of the Carlisle District Local Plan (CDLP) (2015-2030).

The proposal raises the following planning issues:

1. Whether The Principle Of The Proposal, And The Impact Of The Proposal Upon The Character and Appearance of The Area Are Acceptable

- 6.3 Section 12 of the NPPF relates to the creation of well-designed places. Paragraph 127 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In addition, decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and that the development will be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.4 In addition, paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 6.5 Section 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.6 Policy SP6 of the CDLP 2015-2030 states planning proposals should respond to local context and respect local character. The design of the proposal should respond to the characteristics of the specific site, as well as the distinctiveness of the wider setting. Meanwhile, Policy GI1 of the CDLP 2015-2030 states that all landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development.
- 6.7 Although the extension of garden land into the open countryside is normally resisted, it is considered that a modest extension of a garden area may, in certain circumstances, be deemed acceptable as long as the overall proposal does not adversely impact the rural character and appearance of the surrounding area. In this instance, although the Inspector was not keen on garden extensions at this location, it is noted that 40% of the gardens along this side of Whiteclosegate has already been extended.

- 6.8 It is noted that the currently garden extensions along Whiteclosegate are visible from the public footpath that connects Brampton Road with Tarraby Lane. However, it is noted that the gap between the garden extension area and the footpath would be approximately 160m. Given that that each approved garden extension is enclosed by 1.2m high agricultural style fencing, it is considered that the style of enclosure will be in keeping with the rural character of the area. Furthermore, there was a condition within all approved garden extension applications to restrict the erection of outbuildings within the garden extensions. Thus, it was concluded that all the previously approved garden extensions would not have a detrimental visual impact upon the surrounding area.
- 6.9 In addition to this, the Council has recently received a vast interest of residents along Brampton Road, which adjoins Whiteclosegate, wishing to extend their gardens in the same manner as those along Whiteclosegate. This suggests that garden extensions of this nature at this stretch of road is popular amongst the residents. Although garden extensions at this location are sporadic in nature at the moment, it is envisaged that there will be more residents put forward proposals to extend their gardens in the near future. Consequently, the sporadic nature of the garden extensions at this location would lessen overtime. In light of this, the principle of a modest garden extension at this location is considered acceptable.
- 6.10 Since not every household along Whiteclosegate currently proposes to have their gardens extended, in order to minimise the impact of modest garden extensions upon the intrinsic character of a semi-rural landscape, any boundary treatments enclosing this type of garden extension in this area would need to be of a low height and be of an agricultural style, in order to ensure that the garden extension would not result in an unacceptable intrusion into open countryside.
- 6.11 In this case, it is considered that the proposed garden extension is modest in scale. As such, whether or not the development will be considered acceptable will depend on the effect of the boundary treatment upon the rural character and appearance of the surrounding area. The applicant now proposes to revise the boundary treatment from domestic timber fencing of various height (from about 1.2m to about 1.8m) to 1.2m high timber post and rail fencing with wire mesh to match those of the approved garden extensions in the same neighbourhood.
- 6.12 The proposed fencing is considered to be low impact due to its height and it being an agricultural style fence. In light of the aforementioned and to ensure consistency in our approach towards all garden extensions at this location, the revised proposal is considered acceptable in principle, scale and design. It is not considered that the proposal would have a detrimental impact upon the semi-rural character of the area, to an extent which would be significant enough to warrant refusal to this application.

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

- 6.13 Given the nature of the proposal, it is not considered that the proposal would have an adverse impact on the living conditions of any occupiers of neighbouring properties through loss of light, loss of privacy or over-dominance.

3. The Impact Of The Proposal On Highways Safety

- 6.14 Taking into consideration the nature of the development, the proposal would not have a material effect on the existing highway conditions. The Highway Authority were consulted and have raised no objection to the proposal.

4. The Impact Of The Proposal On Hadrian's Wall Vallum

- 6.15 The line of the Hadrian's Wall Vallum runs across some domestic gardens along Whiteclosegate. Taking into consideration that the Hadrian's Wall Vallum is a scheduled monument and World Heritage Site, careful consideration for the potential impact of the proposal on these heritage assets is therefore required during the assessment of this application. Given the nature of the proposal, it is not felt that the use of this land as a domestic garden would detrimentally affect any historical significance or the setting of the Vallum.
- 6.16 Historic England were consulted on this application and have raised no objection to this proposal. Meanwhile, an informative note has been included within the decision notice to remind the applicant of the need to obtain scheduled monument consent for the proposed fencing within the garden extension area, which will remain a protected scheduled monument.

Conclusion

- 6.17 In overall terms, the principle of the development is considered acceptable. It is not envisaged that the proposal would have any detrimental impact on the living conditions of any neighbouring residents, the character of the area. Highway safety nor any historical significance or the setting of the Vallum. In all aspects, the proposal is considered to be compliant with the objectives of the relevant policies. The application is recommended to be approved with conditions.

7. Planning History

- 7.1 The following applications are considered to be relevant to the assessment of this application:

(18/0504) Change Of Use Of Agricultural Land To Garden (29 Whiteclosegate). This application was approved conditionally in 2018.

(18/0505) Change Of Use Of Agricultural Land To Garden (33 Whiteclosegate). This application was approved conditionally in 2018.

(19/0588) Change Of Use Of Agricultural Land To Garden (Retrospective)

(25 Whiteclosegate). This application was refused in 2019, and the relevant appeal application was dismissed by Planning Inspectorate in 2020.

(19/0682) Change Of Use Of Agricultural Land To Garden (7,9 and 15 Whiteclosegate). This application was approved conditionally in 2019.

(20/0236) Change Of Use Of Agricultural Land To Residential (36, 41 and 43 Whiteclosegate); Together With Erection Of Single Storey Side And Rear Extension To Provide Dining Room. This application was approved conditionally in 2019.

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form, received 05 October 2020 ;
2. the Location Plan, received 05 October 2020;
3. the Block Plan, received 05 October 2020;
4. the Fencing Details, received 05 October 2020;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure shall be erected within the rear garden extension hereby permitted, without the prior permission of the Local Planning Authority.

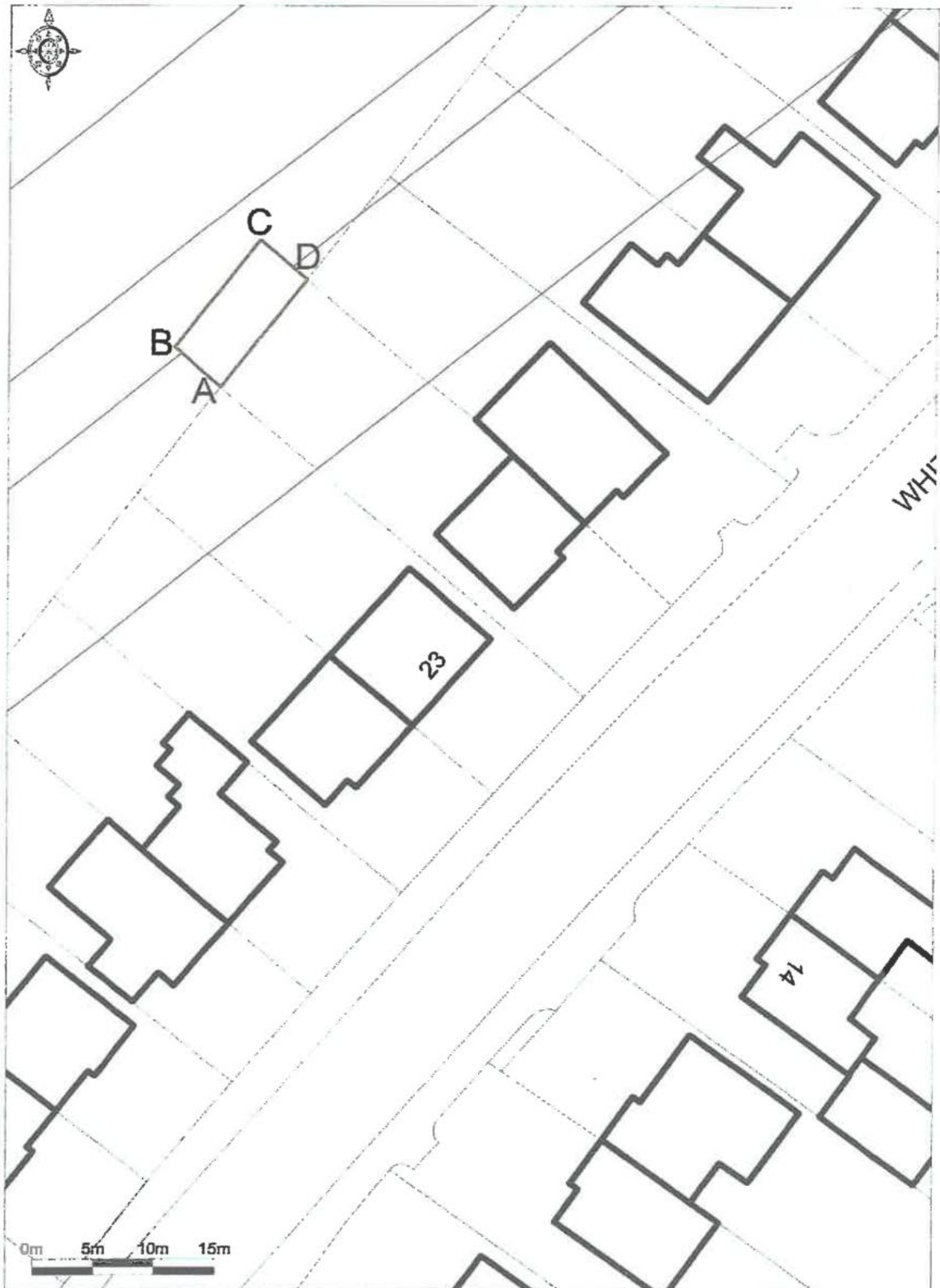
Reason: The Local Planning Authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

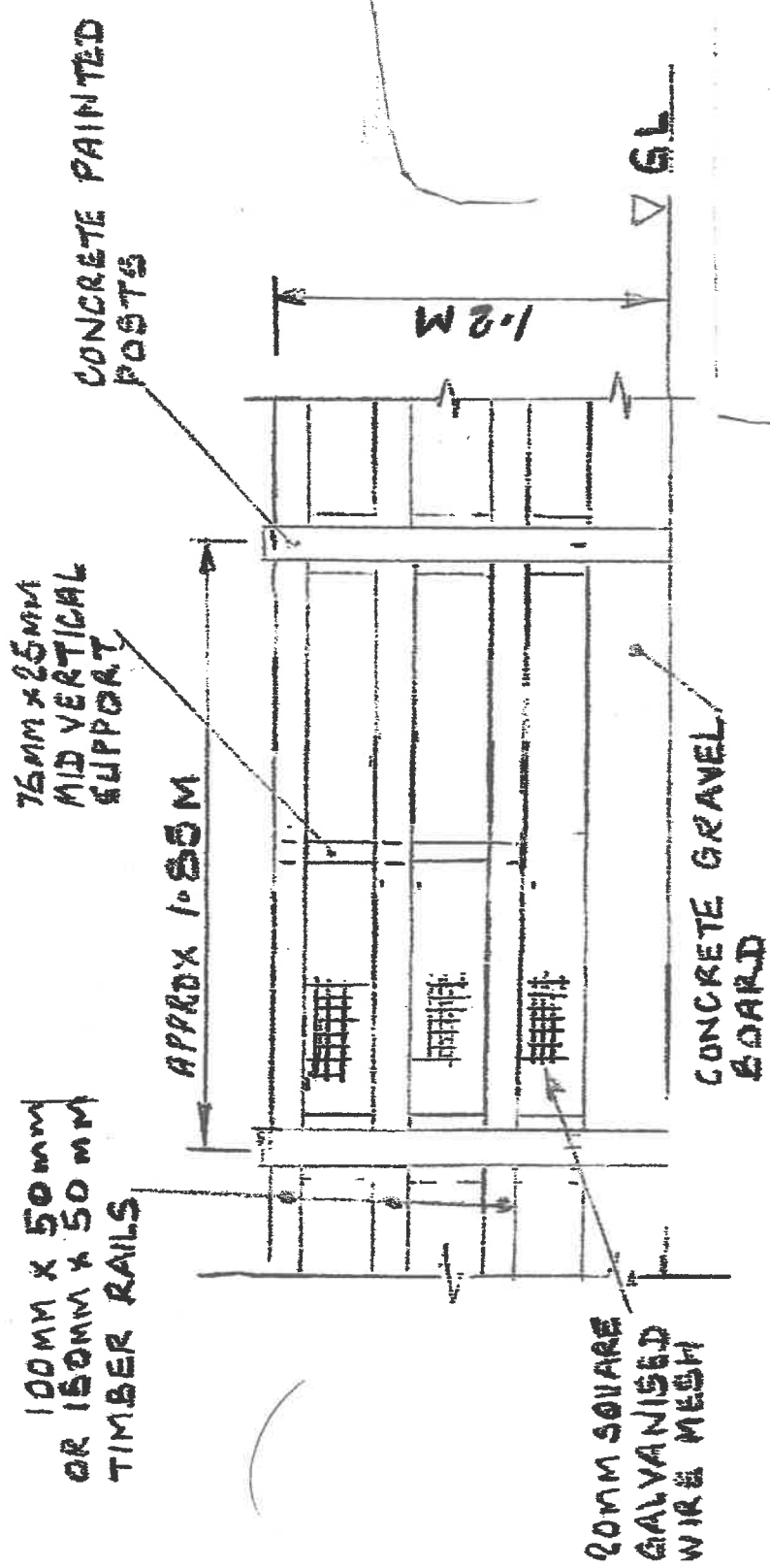


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GARDEN LAND SALE AREA TO MR MONKHOUSE, 25 WHITECLOSEGATE,
TARRABY, CARLISLE





SCALE 1:20

MC N MONKHOUSE
25 WHITECLOSEGATE
CARUSE
CUNSLIA
CA3 OJA

REF- 19/0588

N. Miller

27-09-2020