

SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

Item No: 08

Between 10/06/2022 and 21/07/2022

Appn Ref No:
21/0812

Applicant:
Ms Sally Oliver

Parish:
Kingwater

Date of Receipt:
13/08/2021 16:00:53

Agent:
Carter Smith Planning
Consultants

Ward:
Brampton & Fellside

Location:
Glen Croft, West Hall, Brampton, CA8 2BS

Grid Reference:
358135 566867

Proposal: Siting Of 3no. Moveable 'Eco-Home' Holiday Chalets; Creation Of
Hardstanding (Part Retrospective)

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Against Non Determination

Type of Appeal: Written Representations

Appeal Decision: Appeal Allowed with Conditions **Date:** 19/07/2022

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



Appeal Decision

Site visit made on 30 March 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/E0915/W/21/3284915

Glen Croft, West Hall, Brampton CA8 2BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Sally Oliver against Carlisle City Council.
 - The application Ref 21/0812, is dated 12 August 2021.
 - The development proposed is described on the application form as 'Part Retrospective Proposal to Site 3 x Moveable 'Eco-Home' Holiday Chalets and creation (retrospective) of hardstanding'.
-

Decision

1. The appeal is allowed and planning permission is granted for a part retrospective proposal to site 3 x moveable 'Eco-Home' holiday chalets and creation of hardstanding at Glen Croft, Brampton CA8 2BS in accordance with the terms of the application, Ref 21/0812, dated 12 August 2021, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Ms Sally Oliver against Carlisle City Council. This application is the subject of a separate Decision.

Procedural Matters

3. At the time of my site visit some hardstanding had been laid on site, hence the description of development above. The appeal is against the failure of the Council to reach a decision within the relevant statutory timeframe. The Council's position at appeal is ambiguous, albeit that the substantive matter raised in paragraph 4.4 of their appeal statement is 'whether the development would contribute to any farm diversification scheme'. Whilst I note the other points in that paragraph, all parties have had an opportunity for comment at appeal regardless of any certificates of ownership originally submitted, and by design the structures are moveable (albeit the supporting plans indicate their intended location).
4. At appeal Natural England (NE) issued advice regarding nutrient levels and river catchments, with a bearing on the catchment of the River Eden Special Area of Conservation (SAC) in respect of Carlisle. I consider that matter subsequently, on which both main parties and NE have had the opportunity to make comments at appeal. In that context I note, notwithstanding some ambiguity in the initial scheme, that waste water from the development proposed would now be dealt with using composting toilet facilities.

Main issues

5. In the context above, the main issue is whether the proposal would constitute appropriate rural diversification.

Reasons

6. The appeal site is a modest irregular parcel of land beside Glen Croft, a dwelling, and Park Nook, originally a substantial stone barn the opposite side of the historic farmyard to Glen Croft. I understand the site falls within what is described in the information before me as 'Park Nook Farm', which encompasses a substantial amount of surrounding land. I am told that some of that surrounding land is put to agricultural use, albeit that there is no robust evidence before me of an ongoing agricultural concern here. There are also more distant properties to the west, Heather Homestead and Allensteads, and to the east, Bark Mill and Clockey Mill, a Grade II listed building.
7. The site is somewhat nestled in the gently undulating rural countryside, which here is characterised principally by a varied field pattern cut by traditional hedgerows. It is quite some distance from the nearest discernible settlement. On account of the topography, intervening features in the landscape, and the form of Glen Croft and Park Nook, the appeal site is of limited prominence. It reads principally as associated with the historic farmyard, albeit there are glimpsed views of both buildings from surrounding rights of way criss-crossing the landscape. The site falls relatively close to the boundary of the Hadrian's Wall World Heritage Site (WHS).
8. Recognising the value thereof to the rural economy, Policy EC 11 of the District Local Plan 2015-2030 (Local Plan) accords in principal support to rural diversification. Similarly, in broad terms, paragraphs 84 and 85 of the National Planning Policy Framework (the Framework) are supportive of rural business, including sustainable rural tourism. The latter also recognise that development which is economically beneficial to rural areas may not be particularly accessible, and both relevant development plan provisions and elements of the Framework seek to ensure all such development integrates appropriately with its surroundings.
9. The proposal would inherently be an artificial intervention in the landscape, both by virtue of the surfacing proposed and the form of the 'eco-lodges'. It would also result in an additional intensity of use in what I have reasoned above is a strongly rural and tranquil environment. I have noted above that the proposal is in part retrospective, and accept that there is little substantive evidence that the scheme before me would contribute to existing incomes from farming or agriculture.
10. Nonetheless, given the affinity of the site with the historic courtyard between Glen Croft and Park Nook, the topography and intervening features in the landscape described above, the proposal would have a barely perceptible effect on the landscape character. Regardless of whether the proposed 'eco-lodges' may or may not accurately be compared to shepherds' huts, they would nevertheless be modest, rustic in appearance and visually similar to utilitarian outbuildings commonly found in rural areas. Subject to a sensitive approach to landscaping and lighting, as could be secured via appropriately-worded conditions, the scheme would integrate acceptably with the landscape

character and setting of the WHS and of Grade II listed Clockey Mill some 160 metres away¹.

11. Noise, disturbance and traffic generated by the scheme would, in all likelihood, be limited given its small-scale nature. In my experience individuals would elect to holiday in this location because of its rural peaceful character rather than in spite of it. I saw that there is quite some separation from properties other than those immediately next to the site, such that I am not of the view that unacceptable effects would arise in these respects (and note that separate provisions exist elsewhere to address noise amounting to a statutory nuisance). Whilst I accept perceptions of noise and actual levels of sound differ, given the nature of the proposal and its surroundings there is nothing to indicate the proposal would unacceptably affect those nearby or their mental wellbeing. Sufficient parking on site could also be secured via condition. I would, moreover, note that Local Plan Policy EC 11 and Framework paragraphs 84 and 85 inherently accept some degree of change associated with supporting a thriving rural economy.
12. Moreover on a plain reading there is nothing within Local Plan Policy EC 11 or Framework paragraphs 84 or 85 that limits the support to appropriate rural diversification to that which sits beneath, or provides a supportive income stream to, agriculture or farming. Undoubtedly the proposal would be beneficial to the rural economy in broad terms, noting the location of the scheme set out initially. As reasoned above, I foresee no real likelihood that holidaymakers here would adversely affect surrounding uses but would rather value the countryside and all that comes with it. As immediately above the potential for conflict to occur could be mitigated by ensuring the site operates in line with an agreed management plan secured via condition.
13. Consequently, I conclude that the proposal would represent appropriate rural diversification in compliance with the relevant provisions of Local Plan Policy EC 11 and of the Framework referenced above.

Other Matters

14. The appeal site lies within the catchment of the River Eden which is identified as a Special Area of Conservation (SAC) and, during this appeal, Natural England (NE) has advised that the river is in an unfavourable condition due to excessive nutrients. Under the Conservation of Habitats and Species Regulations 2017, the River Eden is subject to statutory protection. As the proposal consists of overnight tourist accommodation then, subject to the waste water strategy, there could be a risk of significant effect on the SAC from any additional treated effluent being discharged. Regulation 63 states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment'. I have sought to apply such a requirement reasonably and proportionately relative to the nature and context of the development proposed.
15. The Council, appellant and NE, the appropriate nature conservation body as defined in the Regulation, have been consulted regarding this matter. As there are no main sewers on the site, the proposal is to use composting toilets with no direct discharge to the River Eden. The compost waste from the toilets

¹ Mindful of the duty upon me in that regard by virtue of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

would be disposed of in accordance with the Environment Agency guidance. This approach would mitigate the potential effect of the proposal on the SAC. NE were consulted and agreed that this approach was acceptable however, they requested that disposal of any compost waste be completed outside of the SAC catchment. These requirements can be secured by condition.

16. On the above basis, I am satisfied that the proposed use of composting toilets with disposal of any compost waste outside of the SAC catchment would ensure the proposal would not adversely affect the integrity of the SAC. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017.
17. I have taken careful account of the representations of those nearby in addition to the points addressed above, including in respect of tourist demand, emergency services access, the practicalities of installing and maintaining 'eco-lodges', increased crime, litter and environmental harm. However, as reflected by Policy EC 11 and various uses nearby, tourism is evidently a significant component of the local economy, and there is nothing within the scheme before me to indicate that the scheme would presage any other uses being proposed (which would have to be treated on their merits).
18. Points raised in respect of crime, litter and environmental implications could adequately be dealt with via conditions related to a management plan and landscaping, and there are remedies via other regimes in those respects. I appreciate that practicalities of installing the lodges may be a temporary inconvenience to some road network users, albeit there is no substantive evidence before me that their installation or maintenance would be unfeasible or cause undue adverse effects (in much the same way as the surrounding road network, whilst rural, is capable of accommodating larger vehicles on occasion). Therefore, whilst I understand those perspectives, there is nothing substantive to lead me to a different conclusion to that in respect of the main issue.
19. I have taken careful account of the representations of those who raise concerns regarding mental wellbeing and appreciate that different people respond differently to various situations. However inherent in my reasoning above is that, in material planning terms, the proposal would not result in unacceptable effects to the living conditions of those nearby.

Conditions

20. The Council and appellant have requested conditions to be applied, which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG). The conditions that I have imposed are broadly reflective of those suggested by the parties although I have amended some of the wording in the interests of precision and clarity.
21. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans and the number and locations of the moveable 'Eco-Home' holiday chalets are defined for certainty. Conditions are necessary so that composting toilet and waste water drainage, refuse receptacles, hard and soft landscaping and parking provision are secured. Conditions relating to the provision of a management plan are required to ensure the site is operated safely and with care and consideration to nearby occupiers. The holiday let

conditions, including the provision of a letting register, are necessary to ensure it remains in use for that purpose, can be monitored and be enforceable.

Conclusion

22. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

J Symmons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan – Drawing: YRPS-OL140695-01A
 - Existing Site Plan – Drawing: YRPS-OL140695-02A
 - Proposed Site Plan – Drawing: YRPS-OL140695-03A
 - Large eco Home Plans and Elevations – Drawing: YRPS-OL140695-05A
 - Large eco Home Floor and Roof Plan – Drawing: YRPS-OL140695-07A
 - Small eco Home Floor and Roof Plan – Drawing: YRPS-OL140695-08A
- 3) No more than three holiday accommodation vehicles or structures shall be stationed on the land at any one time, and they shall be sited in accordance with drawing YRPS-OL140695-03A.
- 4) The development hereby permitted shall not be occupied until a hard and soft landscaping scheme has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The scheme details shall be agreed with the local planning authority and shall consider the following:
 - new areas of trees and shrubs to be planted including planting densities;
 - new groups and individual specimen trees and shrubs to be planted;
 - specification/age/heights of trees and shrubs to be planted;
 - existing trees and shrubs to be retained or removed;
 - any tree surgery/management works proposed in relation to retained trees and shrubs;
 - any remodelling of ground to facilitate the planting;
 - timing of the landscaping in terms of the phasing of the development; and

- protection, maintenance and aftercare measures.

The hard and soft landscaping shall thereafter be retained and maintained in accordance with the approved details.

- 5) The development hereby permitted shall not be occupied until the parking areas have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The parking areas shall thereafter be retained and maintained in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until the conveyance, treatment and disposal of the surface water drainage to serve the development shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment (inclusive of how the scheme shall be managed for its lifetime after completion) shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system. This assessment shall have regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall be provided to the local planning authority. No surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.
- 7) No waste water, including any composting waste, from the development hereby permitted shall be allowed to be spread, drained or discharged onto land, water or groundwater which has a hydrological or hydrogeological connection to the River Eden SAC catchment.
- 8) The development hereby permitted shall not be occupied until a scheme for the conveyance, treatment and disposal of the waste water, including the use of composting toilets and the disposal of any compost waste outside of the River Eden SAC catchment, has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. This scheme shall thereafter be retained and maintained in accordance with the approved details.
- 9) The development hereby permitted shall not be occupied until a scheme for the siting and provision of suitable refuse receptacles to serve the development has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be retained and maintained in accordance with the approved details.
- 10) The development hereby permitted shall not be occupied until a Management Plan for their operation has been provided and implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The submitted details shall include:
 - arrangements for the storage and collection of waste;
 - arrangements for the arrival and departure of guests;

- arrangements for the cleaning and servicing of the site;
- arrangements to control any noise disturbance to neighbouring properties caused by the proposed use of the site including prescribed quiet hours;
- a means by which contact details for a managing agent/owner can be displayed on the premises; and
- the procedure for considering and mitigating where appropriate any issues that are identified to the managing agent/owner.

The Management Plan shall thereafter be adhered to.

- 11) The development hereby permitted shall not be occupied until a register to monitor the occupation of the holiday units/structures has been established. The register shall contain details of all persons occupying holiday units, their name, normal permanent address and the period of occupation. This register shall be made available for inspection at all reasonable times to the local planning authority.
- 12) The development hereby permitted shall be used for holiday letting accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.
- 13) The development hereby permitted shall not be used as a second home by any person, nor shall it be used at any time as a sole or principal residence by any occupants.



Item No: 09

Between 10/06/2022 and 21/07/2022

Appn Ref No:
21/1069

Applicant:
Mr Whitby

Parish:
Castle Carrock

Date of Receipt:
25/11/2021

Agent:
ELG Planning

Ward:
Brampton & Fellside

Location:
Castlegate House, Castle Carrock, Brampton, CA8
9LT

Grid Reference:
354205 555685

Proposal: Erection Of Stone Wall With Cedar Wood Fencing & Double Gates
(Retrospective)

REPORT

Case Officer: Stephen Daniel

Decision on Appeals:

Appeal Against: Appeal against refusal of planning permission

Type of Appeal: Householder Appeals

Appeal Decision: Appeal Dismissed

Date: 14/07/2022

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

Appeal Decision

Site visit made on 15 June 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/E0915/D/22/3296360

Castlegate House, Castle Carrock, Brampton CA8 9LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Whitby against the decision of Carlisle City Council.
 - The application Ref 21/1069, dated 17 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is the erection of a stone wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The stone wall has been erected. Nevertheless, I am determining the appeal based on the plans before me. I have removed the word 'retrospective' from the description above as it does not describe an act of development.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including the nearby North Pennines Area of Outstanding Natural Beauty (AONB) designation.

Reasons

4. The appeal scheme relates to a detached dwelling lying at the northern end of a rural village. When approaching the village from the north, houses are set back from the highway with frontages consisting mainly of low stone walls of a simple design with gardens beyond, providing a pleasant and open character. Further into the village, some houses are positioned adjacent to the highway in a more urban manner, with no front boundary treatments. Other houses are set back and have front boundaries consisting mainly of stone walls of simple design and varying height.
5. Land opposite (to the east) and land to the south of the appeal property lies within the North Pennines AONB designation. The appeal site is outside the designated area, whilst the majority of Castle Carrock village lies within it. Noting the duty under section 85 of the Countryside and Rights of Way (CROW) Act, I have had regard to the purpose of conserving and enhancing the natural beauty of AONB which extends to considering the setting, given the close relationship of the site to that important designation.
6. The development has introduced a stone wall with multiple stone piers and curved top infill timber panels and gates to part of the property frontage. This

wall is higher than other boundary walls noted when entering the village from the north, and therefore it detracts from the sense of openness generally apparent elsewhere. It also differs notably in appearance from other walls, with a more elaborate style which is uncharacteristic of boundary walls in the village. The Appellant references other boundary treatments in the village, however at my site visit, I did not see any that were comparable in design to the appeal scheme. Nor would such examples necessarily justify this scheme, given the harm identified. As such, the development appears as a discordant feature, at odds with the prevailing character and appearance of the area, that does not respond to local context. The changes in topography in the immediate locality, including changes in highway levels and gradients, do not mitigate for this suburban impact within a rural area. The development does not achieve a sensitive design within the setting of the North Pennines AONB designation by failing to respond to local character and distinctiveness.

7. I have considered the newness of the wall and its likelihood to weather, as well as the use of local stone. However, these matters do not address the concerns raised above.
8. To conclude on this main issue, the development has a harmful impact upon the character and appearance of the area. This is experienced in views towards and out of, the North Pennines AONB. The development does not comply with Policies HO8 and SP6 of the Carlisle District Local Plan 2015–2030, adopted 2016, which collectively seek to ensure that development is of an appropriate scale and design, that responds to local context, respecting local character and distinctiveness. Nor does it meet the objective of paragraph 176 of the National Planning Policy Framework (NPPF) which requires sensitively designed development within the setting of AONB designations. This would adversely impact upon the setting of the AONB, failing to conserve or enhance the natural beauty of the designated area.

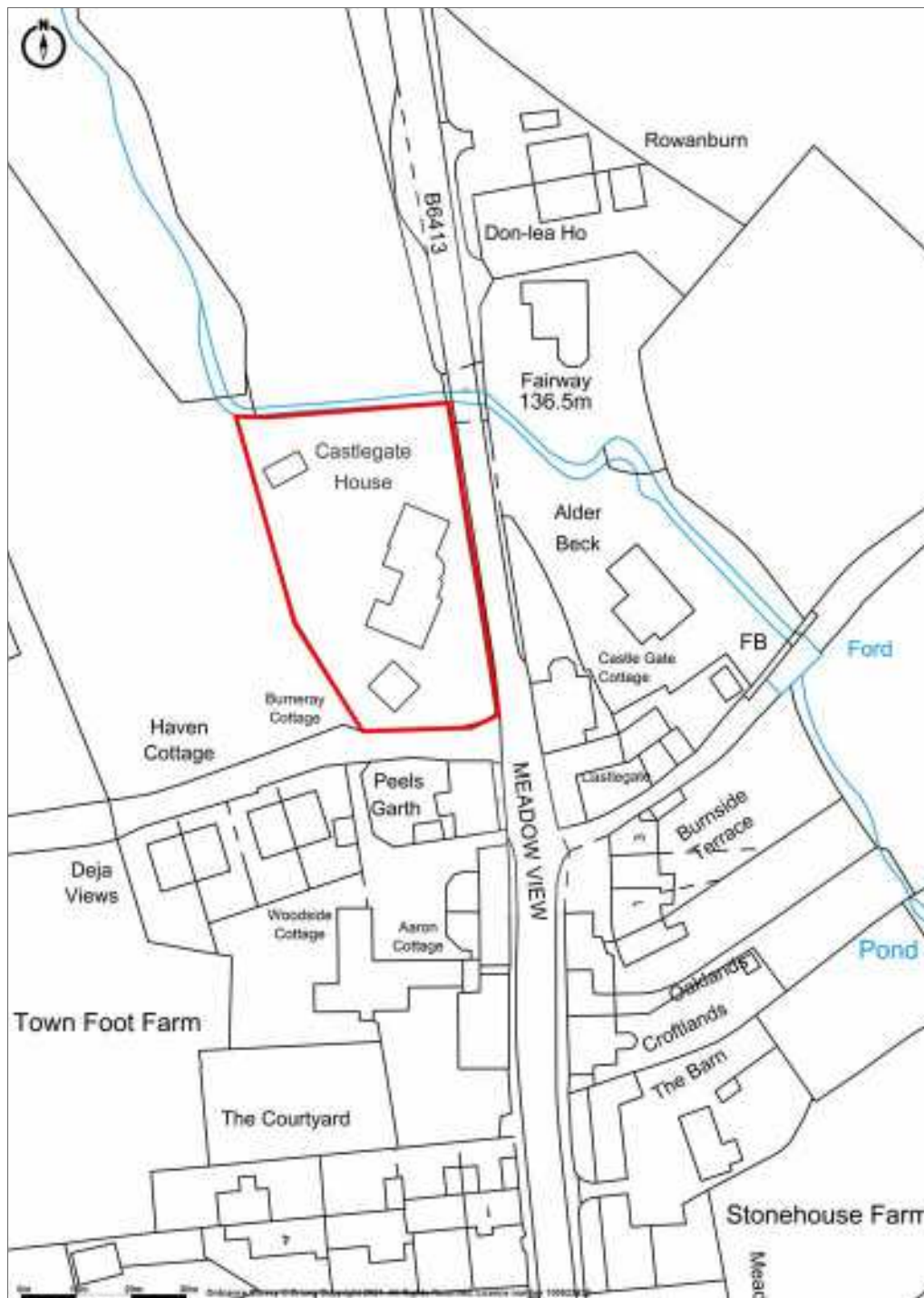
Other Matters

9. I am referred to planning permission (22/0038) which exists for a different design of wall. Whilst there are some common elements, those plans would be substantially different and far more simple in design from the plans I am considering. I do not consider that this planning permission provides any significant weight in favour of this case.
10. I appreciate that for the appellant, the development provides the benefit of increased privacy for a bedroom which is sited close to the road, as well as to parts of their garden which lie at a lower ground level than the road. I observed these conditions at my site visit. However, there is little evidence about what other solutions have been explored.
11. These other matters do not outweigh the harm that I have identified in relation to the main issue.

Conclusion

12. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

S Brook INSPECTOR



Item No: 10

Between 10/06/2022 and 21/07/2022

Appn Ref No:
22/0052

Applicant:
Allenwood Enterprises Ltd

Parish:
Carlisle

Date of Receipt:
02/02/2022

Agent:
Mr C Welbourne

Ward:
Botcherby & Harraby North

Location:
333 Warwick Road, Carlisle, CA1 2BS

Grid Reference:
341766 555921

Proposal: Replacement Of Existing 48 Sheet Illuminated Advertisement Hoarding
With 1no. 48 Sheet Gable Mounted Digital Advertising Internally
Illuminated Display Hoarding

REPORT

Case Officer: Barbara Percival

Decision on Appeals:

Appeal Against: Against Advert Decision

Type of Appeal: Written Representations

Appeal Decision: Appeal Dismissed

Date: 16/06/2022

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



Appeal Decision

Site visit made on 10 May 2022

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 16 June 2022

Appeal Ref: APP/E0915/Z/22/3296880

333 Warwick Road, Carlisle, CA1 2BS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Dougal Kyle of Allenwood Enterprises Ltd against the decision of Carlisle City Council.
 - The application Ref 22/0052, dated 27 January 2022, was refused by notice dated 21 March 2022.
 - The advertisement proposed is replacement of existing 48 sheet illuminated advertisement hoarding with 1 x 48 sheet gable mounted digital advertising display unit, measuring 6.3m wide x 3.3m high, and comprising pressed metal frame and sealed LED screen.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) confirm this approach. Therefore, while I have taken account of the policies that the Council considers to be relevant to the appeal, these have not been decisive in my determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed advertisement on amenity.

Reasons

4. No 333, referred to as 'Advertising Right' in the application form, is the end property of a terrace of traditional 2 storey red brick dwellings in a Primary Residential Area. The side elevation, the location of the proposal, is prominently located close to the road and adjacent to a bridge over a well vegetated tree-lined river corridor. Warwick Road is a main arterial route into Carlisle.
5. There has been a 48 sheet poster advertisement at the site for over 10 years. As it benefits from deemed consent, the acceptability of the existing advertisement on amenity has been established. The proposed advertisement would be the same height and width and in the same position. Therefore, in terms of its size, scale and siting, the proposal would not result in greater harm than the existing advertisement.

6. However, the proposal would differ from the existing insofar as it would display internally illuminated sequential static images, changing every 10 seconds with instantaneous and smooth change over. While each static image might be similar to a poster advertisement, overall the illuminated changing imagery would be markedly dissimilar from the existing situation. In this regard, the appellant acknowledges that the proposal would be different and more noticeable than the existing advertisement.
7. By virtue of its siting and orientation, the proposal would only be visible to road users on Warwick Road travelling from Carlisle in the direction of the M6 motorway. Long views would be screened to some extent by street trees and boundary vegetation. However, on the closer approach it would be clearly visible and dominant above the bridge stone parapet and the brick walls that contain the river. There would also be views of the proposal from the rear of Thirlwell Avenue and from the road and properties north of Thirlwell Avenue.
8. The overtly modern technology and frequently changing images would be conspicuous and out of keeping with the traditional modest residential built and verdant surrounding context. The proposal would be visually obtrusive and discordant taking into account the local townscape character. There is some signage associated with the hotel on the opposite side of the road beyond the terrace of which No 333 forms part. However, this appears distant, smaller and low key. There is an absence of large or modern signage to provide a visual context or that might help integrate the proposal.
9. The internal LED would result in a clear and sharp image and the display would not radiate illumination. However, it would not be visually similar to the street lighting or vehicle headlights and these light sources would not assimilate the proposal into its surroundings. While the proposal would be an innovative feature, it would not be an attractive addition or enhancement of the traditional and unassuming street scene. Moreover, while large LED advertisements may be expected to coexist in mixed use areas, the appeal site is in a residential area with little obvious sign of commercial uses.
10. The proposal would be visible in both oblique and direct facing views from properties on the opposite side of the river. Irrespective of the degree of separation, the internally illuminated changing images would result in visual disturbance to the nearby residential occupiers. Control over the level of illumination during the hours of darkness would not mitigate the adverse visual impact of the frequently changing large imagery. The proposal would be visually intrusive and disturbing to the nearby occupiers, including in their bedrooms. Although the PPG advises that, for the purposes of advertisements, amenity does not include living conditions, I find that the visual disturbance to residents would be an adverse impact in terms of visual amenity.
11. In addition to the standard conditions, I note the suggestion that a planning condition could be imposed to restrict the level of illumination with reference to ambient light levels, to show a black screen in the event of malfunction, to not show moving images, animation, videos or images that resemble road signs or traffic signals, with smooth uninterrupted transition between images displayed for no less than 10 seconds each. However, I am not satisfied that these measures would mitigate the visual harm that I have found. The proposal could not be made acceptable through the use of conditions.

12. Therefore, I conclude that the proposed advertisement would harm amenity. The development plan policies are not determinative, but as I have found harm the proposal would conflict with the aims of Policy SP6 of Carlisle District Local Plan 2015-2030. This requires, among other things, that proposals respond to local context, promoting and respecting local character and distinctiveness.

Other Matters

13. My attention has been drawn to LED digital displays permitted elsewhere, although full details have not been provided. The photograph of 23-27 Church Street (appeal ref 20/3263415) illustrates a locality with large buildings, including some that are contemporary and have flat roofs, and a multi-lane carriageway with light controlled traffic junction. The Currock Street scheme (ref 21/0701) is in an apparently commercial area with numerous existing advertisements. The scheme in Preston (ref 06/2018/0076) is next to a bridge on the side elevation of a café and close to a railway line. The Solihull case (ref APP/A4625/Z/19/3229278) relates to a commercial ground floor unit adjacent to a busy 4-lane highway in a mixed use area with numerous other advertisements. The evidence in relation to the Manchester case (ref APP/B4215/Z/19/2143383) indicates the site adjoins a mixed use area close to a junction on a busy main road. Notwithstanding any apparent similarities, I cannot be certain that any of these is directly comparable or that they provide a justification for the appeal proposal.
14. The appellant is frustrated by what he deems to be a lack of proactive and positive engagement on the part of the Council. However, while advertisements elsewhere may have been permitted subject to planning conditions following discussions between the parties, it does not follow that the same conditions would be adequate in every case. Moreover, the Council's behaviour during the processing of the application is not a matter for the appeal.
15. I note the excerpts from, and reference to research within, the Transport for London Guidance for Digital Roadside Advertising and Proposed Best Practice (Adopted March 2013). However, while it may be accepted as best practice guidance by some Councils outside of London, it has not been provided in full and I cannot be certain it provides support or a justification for the proposal.
16. While the advertising of local businesses and charitable organisations could support the local economy, there would be no guarantee the proposal would be used for such. There is similarly little evidence it would be used to display council, highway or emergency messaging. Irrespective, advertisements should be subject to control only in the interests of amenity and public safety and there is no indication in the Regulations, planning policy or guidance that other factors should be taken into account either for or against a proposal.

Conclusion

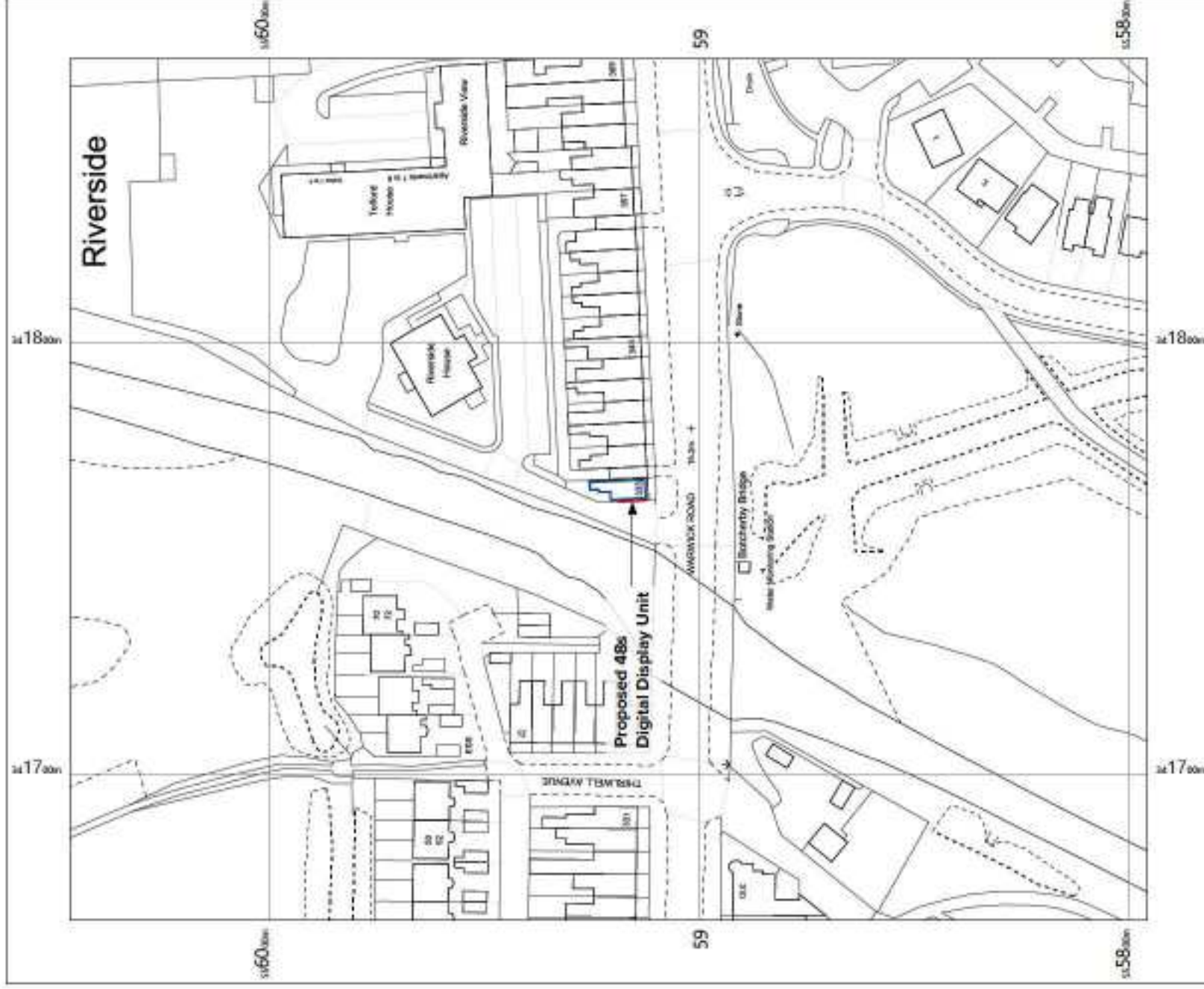
17. For the reasons set out above, the proposed advertisement would harm amenity. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

location plan.

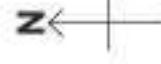
Location Plan 333 Warwick Road



OS MasterMap 1:250/2500/10000 scale
Tuesday, January 18, 2022, 10:10:13 AM
maps.blackwell.co.uk

1:1250 scale print at A4, Centre: 341766 E, 555921 N

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TEL: 0800 151 2612
maps@blackwell.co.uk

Project: 333 Warwick Road

Drawing Name:
Scaled Location Plan
Revision: B
Date: 02.02.2022



Units 6 & 7,
Power Station Thermal Road,
Bromborough CH62 4YB

0151 334 3716
info@evoke-creative.com
evoke-creative.com

Item No: 11

Between 10/06/2022 and 21/07/2022

Appn Ref No:
21/0617

Applicant:
Mr John Wilson

Parish:
Kirkandrews

Date of Receipt:
10/08/2021

Agent:

Ward:
Longtown & the Border

Location:
Land adjacent Forest Gate, Blackbank, Longtown,
CA6 5LQ

Grid Reference:
334831 567582

Proposal: Erection Of 1no. Dwelling (Outline)

REPORT

Case Officer: Stephen Daniel

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Appeal Decision: Appeal Dismissed

Date: 21/07/2022

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

Appeal Decision

Site visit made on 20 June 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/E0915/W/22/3293490

Land adjacent to Forestgate, Blackbank, Longtown CA6 5LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Wilson against the decision of Carlisle City Council.
 - The application Ref 21/0617, dated 18 June 2021, was refused by notice dated 4 October 2021.
 - The development proposed is outline application for single dwelling (all matters reserved).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline form with all matters reserved for subsequent consideration. Although I note that the appellant states that the proposal is for a substantial detached two-storey property with a double garage, no indicative plans have been submitted. I have determined the appeal accordingly.

Main Issue

3. The main issue is the principle of the proposed development with specific regard to its location.

Reasons

4. The appeal site is located on the edge of a group of around twelve houses and bungalows set on either side of an un-named lane off the A6071 between Gretna and Longtown. Carlisle District Local Plan (2015-2030) (CDLP) Policy HO2 gives support for new housing on unallocated sites within or on the edge of villages within the rural area provided they would not prejudice the delivery of the CDLP's spatial strategy and subject to a range of criteria. The Council's spatial strategy is set out in Policy SP2 of the CDLP. Villages are defined in the CDLP as "a group of houses, other buildings and open spaces which can include businesses and community uses such as a village hall and village green, church or primary school".
5. Given the number and proximity of the dwellings here I consider that it amounts to a settlement capable of being described as a village in accordance with the definition in the CDLP. The proposal would, however, be situated on the edge of that settlement in the open countryside.

6. The proposal would be appropriate to the scale of the settlement, in that it would be for one house. It would be contained within the landscape feature of the forest block which surrounds the site on two sides and by built development on the other two, thereby would be physically connected with the settlement. It would also be compatible with adjacent land users. It would, nevertheless, result in a form of development that would encroach into the countryside beyond the north-eastern edge of the settlement on this side of the lane. Whilst the proposal may "round off" the settlement as the appellant argues, there is no imperative for this in CDLP Policy HO2 nor within the National Planning Policy Framework (the 'Framework').
7. Furthermore, the settlement has no services and is detached from other settlements in the area. Future occupants of the proposal would therefore be reliant on services from other settlements. Longtown is approximately 3km and Gretna approximately 2.2km from the appeal site. Both towns provide community facilities including shops, schools, public houses, churches, health facilities and other essential services and are accessible via the A6071. The busy nature of which would not be an attractive route for either walking or cycling on a regular basis and given the distances involved would be impractical to do so. Moreover, whilst the lane on which the appeal site is located is effectively a cu-de-sac, it serves a substantial number of dwellings over and above those within the group containing the appeal site and is narrow with no footpaths or streetlighting.
8. There are bus stops on the A6071 close to the junction with the un-named lane. These are some distance from the appeal site which would not encourage their use. No evidence has been presented to me of the frequency of buses on this route. It is therefore likely that, taking this and the above into account, future occupiers of the proposed dwelling would be heavily reliant on the use of private motor vehicles to access services. This is the least sustainable travel option.
9. Whilst I recognise that the proposal would be located close to MOD Longtown which could offer employment opportunities for future occupiers there is no guarantee that this would be the case. CDLP Policy SP2 promotes the development of surplus land at MOD Longtown for development and whilst the policy refers to excellent road and rail links this in the context of development relating to freight transport for which the site is promoted in the policy. I have not been presented with any evidence that the proposal would enhance or maintain the vitality of the rural economy and community.
10. No case has been made in respect of the provisions of CDLP Policy HO6 in terms of providing housing for an essential rural worker. The proposal is not for the construction of a replacement dwelling or dwellings nor does it involve the conversion of existing buildings. Therefore, there is no support for the proposal from CDLP Policy HO6.
11. Accordingly, the appeal site is not an appropriate location for housing, having had regard to the development plan and national planning policy. The principle of the proposed development would therefore be unacceptable. The proposal would, accordingly, conflict with CDLP Policies SP2, HO2 and HO6 which, amongst other things, aim to encourage sustainable patterns of development. The proposal would also fail to comply with the aims of the Framework in this respect.

Other Matters

12. The site is not the subject of landscape, ecological or historical designation and is not liable to flooding being in Flood Zone 1 and benefitting from an existing drain which discharges into a nearby watercourse. These are however neutral matters and weigh neither in support of nor against the proposal, and do not therefore alter my conclusion on the main issue.
13. The appellant has alleged that the Council has an inconsistent approach to the application of Policy HO2 in relation to rural settlements across the district. I do not have the full details of the examples which have been cited, and therefore I am unable to conclude whether there are any direct parallels with the case before me and other locations. I have, in any event, determined the appeal on the evidence before me. The existence of other developments in locations elsewhere which may be similar to the appeal site is not a reason to allow otherwise unacceptable development in this case.
14. It is unclear what the authorised use of the site is. However, it is not for me, under a section 78 appeal to determine whether the present use of the site is lawful. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Act and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome.

Planning Balance

15. The Council do not dispute the appellant's claim that they are unable to demonstrate the supply of housing sites as required by the Framework. If this were to be the case, I would be taken, with regard to the specific circumstances of the appeal, to paragraph 11d) (ii) which explains that the most important policies are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The principle of the proposed development would be unacceptable and would be contrary to the aims of the Framework in seeking to promote sustainable patterns of new development. I ascribe this matter substantial weight. The appeal scheme would provide a single dwelling which would make a positive albeit limited contribution to the housing undersupply. The scale of the proposals would also limit the wider benefits associated therewith. These benefits would therefore attract limited weight. To the extent that, in the case of the proposed development, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

17. There are no other material considerations, including the Framework and worth of sufficient weight, that would warrant taking a decision otherwise than in accordance with the development plan taken as a whole. The appeal should therefore be dismissed.

Katherine Robbie

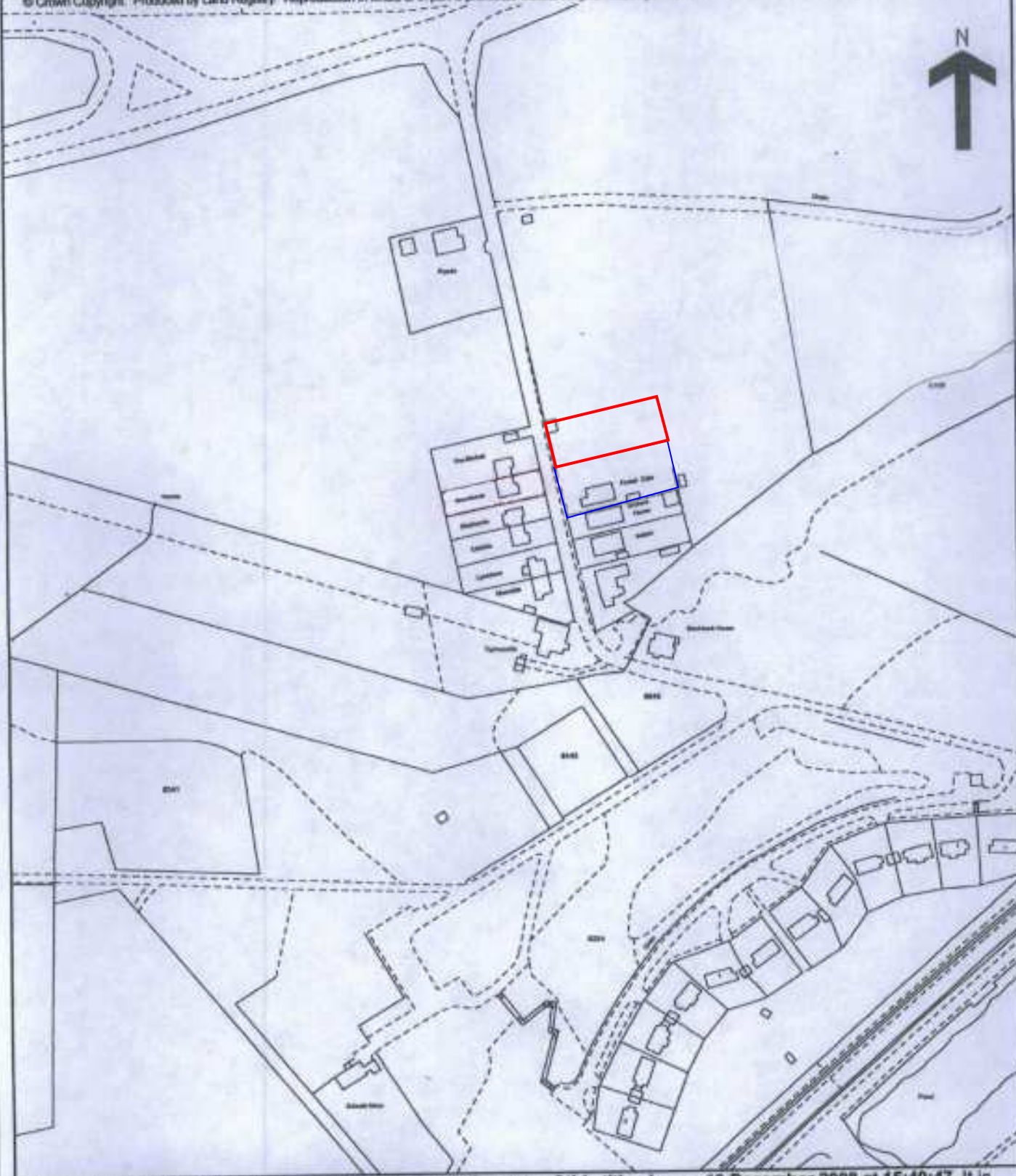
INSPECTOR

Land Registry Official copy of title plan

Title number **CU243081**
Ordnance Survey map reference **NY3467NE**
Scale **1:2500**
Administrative area **Cumbria: Carlisle**



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This official copy issued on 10 December 2008 shows the state of this title plan on 10 December 2008 at 15:40:47. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries. This title is dealt with by Land Registry, Durham Office.

SCHEDULE B: Applications Determined by Other Authorities

Item No: 12

Between 10/06/2022 and 21/07/2022

Appn Ref No:
22/9003

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
14/06/2022

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Belah & Kingmoor

Location:
James Rennie Special School, California Road,
Carlisle, CA3 0BU

Grid Reference:
339697 559299

Proposal: Erection Of Modular Building To Provide 2no. Temporary Classrooms

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 30/06/2022

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 19/07/2022

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



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Notice of Planning Permission

To: Cumbria County Council
Parkhouse Building
Kingmoor Business Park
Carlisle

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 10 June 2022.

viz: Modular building to provide 2 temporary classrooms plus an additional 16 car parking spaces.

James Rennie School, California Road, Carlisle, CA3 0BX

Subject to due compliance with the following conditions:

Time Limit (Planning Permission Granted for a Limited Period)

1. The modular building hereby permitted shall remain on site for a limited period only expiring on 15 July 2023 by which date the building, associated services and infrastructure hereby permitted shall have been removed.

Reason: Siting of the temporary building is proposed for a temporary period of time until alternative facilities are made available. To comply with Section 72(1)(b) of the Town and Country Planning Act 1990.

Approved Scheme

2. The development hereby permitted shall be carried out with the following:
 - a. The submitted Application Form – dated 9 June 2022
 - b. Design and Access Statement - undated
 - c. Plans named and Numbered:
 - i) Proposed temporary classroom – Drawing No 5713-11-Rev.B
 - ii) Plans and elevations – Drawing No 5713-10-Rev.A

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

Drainage

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted *Foul & Surface Water Drainage Design Drawing 5713 AA Rev A -Dated 9.06.2022* which was prepared by Day Cummins. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Dated 19 July 2022

Signed: Angela Jones
Executive Director - Economy and Infrastructure
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: Planning.cumbria.gov.uk/Planning/Display/1/22/9003
- 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.

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.
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 may relate to more than one condition.

Drop Off and Pick Up Parking
Mornings and Afternoons -
Hard Play During School Day

