

SCHEDULE B

**Applications
determined by other
authorities.**

SCHEDULE B

Item No: 11

Between 27/08/2021 and 07/10/2021

Appn Ref No:
20/0279**Applicant:**
Gladmans**Parish:**
Wetheral**Date of Receipt:**
30/04/2020 15:01:24**Agent:****Ward:**
Wetheral & Corby**Location:**
Land at Rookery Park (South of Alders Edge),
Scotby, Carlisle CA4 8EH**Grid Reference:**
344357 554934**Proposal:** Erection Of Up To 90no. Dwellings, Public Open Space, Landscaping
And Sustainable Drainage System (SuDS) And Vehicular Access Point
From The Scotby To Wetheral Road (Outline/Revised Application)

REPORT**Case Officer:** Christopher Hardman**Appeal Against:** Appeal against refusal of planning permission**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 03/09/2021

Appeal Decision

Site visit made on 16 June 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/E0915/W/21/3269898

Land at Rookery Park, Scotby, Carlisle CA4 8EH

- 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 Gladman against the decision of Carlisle City Council.
 - The application Ref 20/0279, dated 30 April 2020, was refused by notice dated 4 December 2020.
 - The development proposed is described as outline application for the erection of up to 90 no. dwellings, public open space, landscaping and sustainable drainage (SUDs) and vehicular access point from the unnamed Scotby to Wetheral road. All matters reserved apart from access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the area, having particular regard to the scale and form of Scotby and its surrounding landscape character.

Preliminary Matters

3. The planning application was made in outline with all matters, apart from access, reserved for future consideration. I have dealt with the appeal on that basis, treating any details of other reserved matters shown on the plans as illustrative.
4. A duly signed Unilateral Undertaking dated 3 June 2021 has been submitted in respect of addressing educational capacity, open space and affordable housing provision. The Council has been provided with an opportunity to comment on this document, which I have taken into account as part of my consideration of the appeal proposal.
5. The National Planning Policy Framework ('the Framework') was revised subsequent to the submission of the appeal. The main parties have been given the opportunity to draw my attention to any material changes which would impact on their respective cases and the appeal has been determined accordingly.

Reasons

Character and appearance

6. The appeal relates to a large field on the edge of the village of Scotby, one of the area's rural settlements. Policy HO2 of the Carlisle District Local Plan 2015-2030 (the Local Plan) permits new housing development on the edges of settlements in the rural area. Although this policy does not prescribe a size threshold for development, it requires that proposals do not prejudice the spatial strategy and meet certain criteria. Amongst other things, this includes ensuring that development is appropriate to the scale, form, function and character of the existing settlement, and, that sites on the edges of settlements are well contained within existing landscape features, integrate with the settlement and do not lead to an unacceptable intrusion into open countryside.
7. The original built form of Scotby has evolved over time through a number of subsequent housing developments. Whilst some side roads contain more recent housing, these tend to be roadside developments along the front of plots and are focused on historic patterns and groupings of houses. This approach has largely retained the perception of an elongated, linear settlement form on either side of the main road through the village. This form provides a real connection with the surrounding landscape context, particularly through the glimpses of open countryside which are afforded between buildings, and which are integral to Scotby's rural identity.
8. The appeal proposal would continue to contain residential development between the 2 existing railway lines and would not extend the village any further east than the recent Alders Edge development. However, by further expanding the village along the Scotby to Wetheral road axis in the manner proposed, the scheme would be at odds with prevailing elongated, compact form of Scotby.
9. Furthermore, within the vicinity of the appeal site, the village is characterised by the close-knit grouping of terraced and detached properties which frame the village green and contribute to forming a strong settlement edge. These reflect the traditional, rural character of the village and are defining characteristics. Although the appeal site is physically connected to the village, by enlarge it sits at a lower level to these. This serves to reinforce that the site forms part of the wider countryside context that surrounds this part of the settlement.
10. For this reason, the appeal proposal would represent a prominent protrusion from the traditional central core of Scotby into the surrounding open countryside. It would greatly urbanise and therefore alter how this edge of the village is read, including on approach to the village along the Scotby to Wetheral road. It would also reduce the extent to which the countryside provides an open, rural setting to the area around the village green.
11. I note that the detailed design and layout are reserved for future determination. The appellant has drawn my attention to paragraph 134 of the Framework and also the National Model Design Code and Part 2 Guidance Note. They consider that the appeal proposal reflects government policy on good design, and advance that this should be given significant weight in favour of the appeal proposal. However, considering the site's prominent outlying position, extent and limited physical containment, the submitted evidence does

- not convince me that the scheme is capable of being successfully integrated and reflective of the character and appearance of the village even with mitigation. The illustrative details do not demonstrate that the appeal proposal could adequately reflect the compact built up form of the village.
12. Consequently, the appeal proposal would be neither well contained within existing landscape features nor would it integrate successfully with the settlement.
 13. Neither the site nor the surrounding countryside falls within a designated landscape. The Cumbria Landscape Character Guidance and Toolkit (the CLGGT) defines the site and its environs as falling within the Low Farmland character typology. Key characteristics of this typology which are evident here include the undulating and rolling topography comprising the large scale and open landscape with patchy areas of woodland and large rectangular fields bound by hedgerows and fences and also the wide and long distance views afforded to the fells.
 14. Despite the absence of a specific landscape designation here, the predominantly uninterrupted, extensive low farmland context contributes positively to the village's character and appearance from vantage points both within and outside the village. This is particularly so around the junction with the Scotby to Wetheral road.
 15. The break in the built frontage and elevated position of this part of the village allow largely uninterrupted views down onto and across the appeal site. From here, the appeal site contributes positively to the foreground of open, longer distance elevated views from the village green, across the appeal site towards the North Pennines Area of Outstanding Natural Beauty (the AONB). This reinforces the identity and sense of place of this village core.
 16. The illustrative plan seeks to demonstrate that a swathe of green landscaping through the centre of the site could link directly with the neighbouring fields to maintain a sense of openness and guide outward views from the village green. However, the proposed open space would be of a contrasting use and appearance to the surrounding countryside which tends to directly adjoin the existing settlement edge. It would not reduce or adequately distract from the resulting encroachment and visual intrusion that would be introduced into this extensive open landscape setting. Consequently, the appeal proposal would lead to an unacceptable intrusion into the open countryside.
 17. Whilst the appellant's evidence advances that the scale of the proposed change across the wider character area as a whole is low, this does not justify the considerable level of harm that would arise on a more localised level to the character and appearance of the village and its open countryside setting.
 18. In conclusion, the appeal proposal would cause considerable harm to the character and appearance of the area by reason of its inappropriate form, scale and landscape impact. Therefore, it conflicts with Policy HO2 of the Local Plan. It also conflicts with Policy SP2 and Policy GI1 of the Local Plan which, amongst other things, seek to support rural communities by allowing development of an appropriate scale and nature commensurate with their setting and to protect landscapes from excessive, harmful or inappropriate development.

19. Furthermore, in view of the identified harm, the appeal proposal would not accord with paragraph 130 of the Framework which, amongst other things, states that proposals should be sympathetic to local character. Nor would it accord with paragraph 174 of the Framework which states that proposals should recognise the intrinsic character and beauty of the countryside.

Other planning considerations

20. Paragraph 60 of the Framework states it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. Furthermore, paragraph 74 of the Framework requires councils to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing. I return to this below, however, regardless of whether a shortfall exists, the appeal proposal would make a demonstrable contribution to the area's housing land supply. This is a benefit which carries great weight.
21. The Council's Strategic Housing Market Assessment (SHMA) identifies a notable need for affordable housing within the council area as a whole and past under delivery on this is evident. The development could provide a policy compliant and therefore reasonable contribution to this shortfall. The submitted Unilateral Undertaking provides an appropriate mechanism to secure this. The evidence before me does not challenge either its necessity or viability. I am also satisfied that this obligation is directly related to the development and fairly related in scale and kind. The level of contribution to the shortfall in the delivery of affordable housing in the council area is a benefit which also carries great weight.
22. The submitted evidence does not adequately substantiate the effect, if any, of the appeal site on the future delivery of the remaining similar scale housing allocation (Ref: R15) in the village. I therefore attribute no weight to that particular matter.
23. The appellant accepts that there would be a small degree of short-term adverse impact to living conditions of residents in the construction phase. The main parties agree that there is scope for this to be satisfactorily mitigated through planning conditions and I have no cause to find otherwise. Any residual adverse impacts would be negligible and would not amount to any material harm.
24. The level of accessibility to services and facilities is a sustainability credential which negates harm that would arise from unsustainable travel patterns rather than representing a benefit of the scheme. Given the low level of services and facilities within the village, limited weight is afforded to the potential benefit of the appeal scheme supporting these and generating local expenditure and revenues in the longer term. The economic benefit of housing development during the construction period also carries limited weight because of its relatively short duration.
25. Although public open space would be incorporated into the scheme, given the peripheral location of the site it is unlikely that this would be of benefit to anyone other than the residents of the appeal proposal. This carries limited weight as a benefit. For the same reason, the potential for tree-lined streets to be secured is a limited benefit.

26. The appeal proposal could secure some biodiversity enhancements in line with Policy GI3 of the Local Plan. This is recognised in the officer report and could both necessarily and reasonably be secured by the imposition of a planning condition. The level of enhancement over and above the necessary mitigation has not been clearly quantified. For these reasons it carries limited weight as a benefit.
27. The submitted Unilateral Undertaking provides an appropriate mechanism to secure open space provision, management and maintenance arrangements and also financial contributions to deliver off-site improvements to mitigate the pressures on educational capacity which would otherwise arise from the proposed development. The evidence before me does not challenge either the necessity or the viability of these obligations. I am also satisfied that all of these obligations are directly related to the development and fairly related in scale and kind. However, as these obligations relate to mitigation measures, they do not constitute benefits that would carry weight in favour of the appeal proposal.
28. There is a disagreement between the main parties as to whether or not the Council can demonstrate a supply of specific deliverable housing sites, with a range of between 4.57 years' and 5.16 years' worth of supply having been advanced. Whilst I find the evidence in this regard largely inconclusive, for the reasons set out above I have found that the appeal proposal would cause considerable harm to the character and appearance of the village and also the surrounding landscape. Even if the housing land supply position advanced by the appellant is accepted, I find that the adverse impacts arising from the appeal proposal would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole, including the benefits arising from the provision of additional market and affordable housing. Consequently, the appeal proposal does not meet the Framework's presumption in favour of sustainable development.
29. In summary therefore, in this particular case the other material considerations do not justify allowing the appeal given the harm that has been identified and the conflict the development plan when taken as a whole.

Conclusion

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

C Dillon

INSPECTOR



Project Name	...
Client	...
Scale	...
Date	...
Author	...
Check	...
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Printed	...

Item No: 12

Between 27/08/2021 and 07/10/2021

Appn Ref No:
20/0602**Applicant:**
Mr Stamper**Parish:**
Wetheral**Date of Receipt:**
16/09/2020**Agent:**
Bruce Armstrong-Payne
Planning**Ward:**
Wetheral & Corby**Location:**Land to the east of Cringles Farm, Cumwhinton,
Carlisle, CA4 8DL**Grid Reference:**

344490 552810

Proposal: Erection Of 3no. Dwellings (Outline)

REPORT**Case Officer:** Stephen Daniel**Appeal Against:** Appeal against refusal of planning permission**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Dismissed**Date:** 22/09/2021

Appeal Decision

Site Visit made on 12 July 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/E0915/W/21/3271830

Cringles Farm, Cumwhinton, Carlisle CA4 8DL

- 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 Mssrs Steven, Richard and Andrew Stamper against the decision of Carlisle City Council.
- The application Ref 20/0602, dated 3 September 2020, was refused by notice dated 16 December 2020.
- The development proposed is described as: 'development of three two storey dwellings'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters other than access reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative, insofar as they relate to matters other than access.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on trees.

Reasons

Character and Appearance

4. The appeal site is an agricultural field on the north side of the C1040 road lying roughly between the dwelling of Tanglewood and a farmhouse and converted buildings, comprising Cringles Farm. The area in the vicinity of the appeal site forms part of the approach to the settlement from the west which is undeveloped in character to both sides of the road. Further to the east, beyond the site, a consistent pattern of development emerges along the C1040 of predominantly detached dwellings positioned along the road. A new housing development is under construction on the opposite side of the road to Tanglewood and this adds to the more developed feel to the east of the appeal site.
5. The boundary of the appeal site with the highway verge is demarcated by a high hedge that is set forward of a post and rail fence which skirts the

- perimeter of the field. Although less dense in places, the hedge is reasonably substantial and extends along the roadside boundary to a much smaller parcel of land that separates the site from the garden of Tanglewood. This hedge then merges with the front boundary hedge of Tanglewood to form a consistent boundary for some length along this side of the highway.
6. There are a number of mature trees, some of which are very large, growing behind the boundary hedge and extending a considerable distance into the appeal site. These are growing close together in places, which together with the consistent hedge line form an attractive wooded approach to the settlement that contributes significantly to the rural character and appearance of the area and the setting of the village. The northern half of the site is less wooded but still includes trees growing along the boundary. The majority of trees on the site have been protected by a Tree Preservation Order ('TPO').
 7. The proposed three dwellings would be served by two new accesses from the C1040. Plots A and B would be provided with a shared access, whilst Plot C, to the east of the two aforementioned plots, would be provided with a single access. I note the proposed widths of the accesses are to be a minimum of 7.2 metres and 4.5 metres respectively, the creation of which would involve removing substantial areas of hedge. In addition, it is proposed to remove four trees, including two that are protected by the TPO, to allow for creation of the accesses.
 8. Furthermore, the plans show a 90 x 2.4 metres visibility splay. I note that the Highway Authority has suggested that 60 x 2.4 metres would be appropriate. However, notwithstanding this, the plan indicates that the hedge, as well as several of the trees, lies partly within the visibility splay. As such, on the basis of the evidence provided, I cannot be certain that additional portions of the hedge or branches of the trees would not need to be removed to facilitate the visibility splay, or whether the hedge would need reducing to a much lower height to allow views over it.
 9. As such, owing to the position, substantial widths and extent of the accesses, alongside the proposed loss of sections of the hedge and trees, the proposal would urbanise this setting and significantly detract from the attractive wooded approach to the settlement referred to above. The proposed access roads would therefore represent a discordant form of development that would be at odds with the rural character and appearance of the area and lead to an unacceptable intrusion into open countryside contrary to Criterion 3 of Policy HO2 of the Carlisle District Local Plan 2015-2030 (2016) ('the Local Plan').
 10. With regard to the further provisions of Criterion 3 of Policy HO2, even if I were to conclude that the proposal was physically connected to, and integrated well with the settlement, this would be a neutral finding and consequently would not outweigh the harm and conflict with that policy that I have found above.

Effect on Trees

11. The appeal site is well wooded with the majority of trees protected by a TPO. An Arboricultural Survey, Implication Assessment and Tree Protection Report ('the Tree Report') has been submitted in support of the proposals. The Tree Report was informed by an indicative layout plan which shows the location of the proposed properties including access and driveways.

12. The Tree Report states that potentially damaging activities are proposed in the Root Protection Areas ('RPAs') of the protected trees and the hedge and that this can have negative impacts on their roots. The Tree Report proposes a variety of construction methods in order to minimise damage to roots and limit works within the RPA through the use of a 'no dig strategy', introduction of a cellular paving grid system and fencing off of a 'construction exclusion zone'. It is also proposed to carry out works to the trees, such as five metre crown lifts to the trees overhanging the proposed accesses, prior to the development commencing.
13. The Council have provided a Tree Assessment that advises that the proposed development would not fit well within the site, given the presence of the trees. Concerns are expressed that the driveways are constructed through the RPAs. The Tree Assessment argues that the trees will dominate the front gardens of the proposed dwellings and there will be pressure to remove them by future occupiers.
14. Whilst the appellant has argued that they have planned the layout of the houses around the trees, this proposal is made in outline with all matters aside from access reserved. Therefore, the size of the plots, exact location of houses, habitable room windows and gardens are as yet unknown. As a result, there is an absence of convincing evidence that the proposed dwellings, driveways and access can be constructed within close proximity of the trees. There is therefore considerable doubt in my mind as to whether the development can be adequately constructed without harming the trees.
15. Furthermore, the trees are located to the south of the likely position of the proposed dwellings and consequently, given the significant height of some of the trees, have potential to cause considerable overshadowing of the plots. Given the amount and location of the trees to be retained and the lack of evidence regarding potential for overshadowing, I am not convinced that future occupiers would not be adversely affected by overshadowing effects that could result in pressure to remove trees. I note that prospective buyers of the proposed properties would be aware of the existing trees however, their effect on everyday living conditions may not be fully appreciated, particularly as the trees grow over time.
16. A minimal number of trees are to be removed with those identified as requiring removal being of low or moderate amenity value. Larger trees on the site would remain, retaining the group value of the trees, and additional planting and maintenance of trees on the site is also proposed. These matters however, do not outweigh the harm I have identified above. Whilst the appellant argues that removing the trees proposed would improve the chances of survival of the remaining trees, I have not been provided with any evidence to support this assertion. Furthermore, such benefits would nevertheless be outweighed by the harm to the trees I have found above.
17. On the evidence that is before me, I am not convinced that the proposed development could be constructed without causing harm to the trees. The proposed development would therefore be contrary to Policies GI1, GI6 and Criterion 2 of Policy SP6 of the Local Plan which, amongst other things, seek to ensure proposals for new development protect landscape character and successfully integrate existing trees and hedges into development proposals where they contribute positively to a locality.

Other Matters

18. Whilst I acknowledge that the appellants' family have looked after these trees for many years and that they value them, I have found that the proposal would amount to harm to the character and appearance of the area. Furthermore, I am not convinced the development as proposed could be carried out without causing harm to the trees.
19. The appellant advises that there is a need for self-build plots in the locality and I note the Council's support for such proposals. However, the modest benefits arising from the provision of three self-build properties would be greatly outweighed by the harm to the character and appearance of the area and the trees that I have found above.
20. The proposed housing is intended to provide homes for the three sons of the occupiers of the main farmhouse at Cringles Farm. I accept that the proposal would be beneficial in this respect. However, this is essentially a personal benefit as opposed to the public harm to the character and appearance of the area and the trees that would arise from the proposal. Nonetheless, the proposal would boost the supply and choice of housing in the area. However, that contribution would be modest and carries limited weight in support of the appeal. Economic benefits would also arise from the associated construction works and occupation of the new houses. Nevertheless, together these would be relatively minor benefits that would not outweigh the harm that I have found above.

Conclusion

21. For the reasons given, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

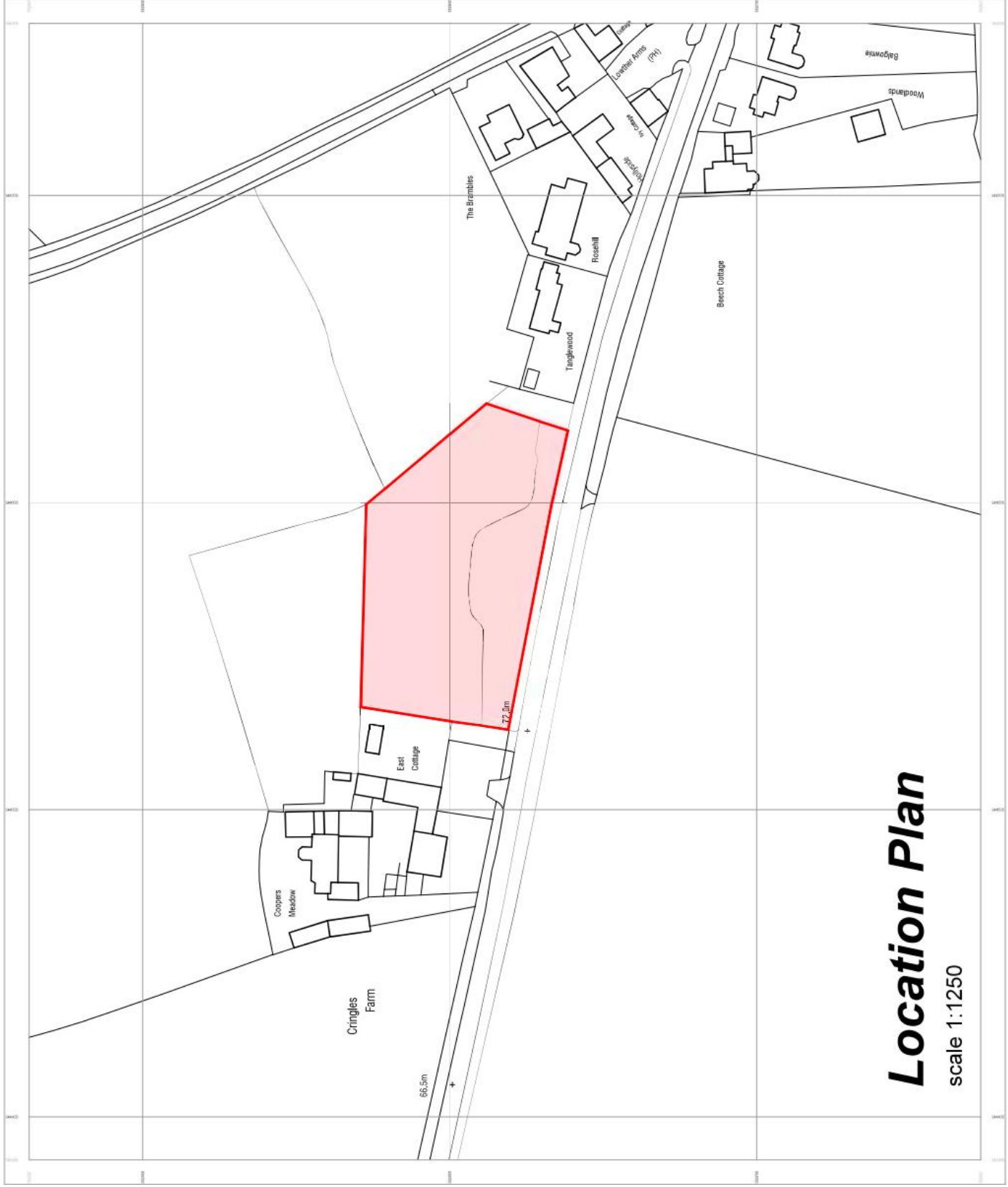
Paul Martinson

INSPECTOR

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Rev.	Date	Description	Revised by

revision



Location Plan

scale 1:1250

PLANNING

ARCHITECTS PLUS

Project: Residential Development on land adjacent to East Cottage, Cumwhinton

Client: Mr S Stamper

Drawings: LOCATION PLAN

Scale: 1:1250@A307.19

Date: DB

Drawn: DB

Checked: P02

Number: 19039-00

