

PLANNING APPEAL DECISION

Lead Officer: Nick Hayhurst – Planning and Place Manager

To inform Members of a recent appeal decision.

Planning Appeal Ref. APP/Z0923/W/20/3252344

Planning Application Ref. 4/19/2318/001

Location: Tow Low, Low Moresby, Whitehaven, Cumbria, CA28 6RU

Proposal: Outline Planning Application for a Single Residential Dwelling

Recommendation: That the decision be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

Resource Implications: Nil.

1.0 Supporting Information

- 1.1. Planning Application Ref. 4/19/2318/001 related to an outline planning application for a single dwelling.
- 1.2. On 19th November 2019, the application was refused under delegated powers by the Planning and Place Manager of Copeland Borough Council for the following reasons:
 - 1) *The proposed erection of a single dwelling on the land, which is located outside any designated settlement boundary in a countryside location, represents an inappropriate form of development that will intrude into the open countryside and be located away from the provision of facilities and services. The site offers extremely limited opportunity for public transport and is beyond distances which residents could reasonably be expected to walk. There are no pedestrian walkways on direct access routes from the site which would result in the only safe access to services being via vehicle. The perceived benefits that could result from a single dwelling on this land would not be sufficient to outweigh this harm, especially as the dwelling is without justification. As such, it would not represent sustainable development as required in the NPPF.*

The proposal is therefore contrary to policies ST1, ST2 and DM22 of the Copeland Local Plan 2013-2028, Criterion B, D and E of the Interim Housing Policy and contrary to the objectives of paragraphs 8, 9, 11, 79 and Part 9 of the National Planning Policy Framework (2019).

- 2) *The proposed development will be served by an inappropriate access which runs along a Public Right of Way and is outside of the control of the Applicant. The use of the narrow lane is likely to create safety and amenity issues for the proposed dwelling as well as the existing neighbouring dwellings and users of the designated public footpath. Furthermore, the intensification in the use of the junction onto Lane Croft, the main vehicular route running through Low Moresby is considered to be unacceptable as the required visibility splays have not been demonstrated and are not within the applicants control.*

As such, the proposal would result in adverse impacts on highway safety within the locality and is therefore contrary to Policies ST1 and DM22 of the Copeland Local Plan 2013 – 2028, Criterion C of the Interim Housing Policy and contrary to the objectives of paragraphs 108, 109 and 110 of the National Planning Policy Framework (2019).

- 1.3. An appeal of the decision of Copeland Borough Council was made and has now been **dismissed** by the Planning Inspectorate.
- 1.4. In considering the merits of the proposed development, the Planning Inspector considered that the main issues were:
- Whether the proposed development would be an appropriate location for new housing; and
 - the effect of the proposed development on highway safety, having regard to the impact on pedestrians and other road users.

Appropriateness of Location for New Housing

- 1.5. The Inspector concludes that the settlement of Low Moresby has few services and is detached from other settlements in the area by open countryside, thus making future occupants of the proposal reliant on services from other settlements.
- 1.6. The Inspector concludes that the services and employment opportunities available are most likely to be accessed by the use of the private motor vehicle and, accordingly, the appeal site is not an accessible or sustainable location for housing.
- 1.7. As a result, he considers that the proposal would fail to accord with Policies ST1, ST2 and SS3 of the Copeland Local Plan.

Effect on Highway Safety

- 1.8. The Inspector notes that access would need to be taken from the adjacent lane and PROW and would lead to an intensification of the use of this narrow lane which could create some conflict between vehicles and pedestrians. However he considers that the increase that would result from a single dwelling would not be sufficient to materially or unacceptably worsen the existing situation.

1.9 He concludes that the proposal would not result in conditions which would be prejudicial to the highway safety of road users or pedestrians.

2.0 Planning Balance

2.1. The Inspector notes a previous grant of planning permission in 1982 but considers that its significance is very limited due to the age and expiry of the consent and the evolution of planning policy over the past 38 years.

2.2. The Inspector disregards other recent appeal decisions within the Borough as he did not have full details to hand. The appeal was determined on its own planning merits.

2.3. The Inspector acknowledges that there would be a very limited positive contribution to the local housing market and some economic support for local services and facilities but there would be a reliance on the private car to access them.

2.4. The dwelling would involve development of an existing garden which the Appellant considers would provide a stronger edge adjacent to the open countryside and a more contiguous village, including the smartening up of the site. As all matters have been reserved relating to design and appearance of the proposed development, the Inspector did not draw any conclusions as to the impact of the development on character and appearance.

2.5. The Inspector did not consider that the proposal would create any harm to highway safety, although he concludes that this would neither weigh against nor in support of the development.

3.0. Conclusion

3.1. The Planning Inspector concludes that, in applying the presumption in favour of sustainable development as set out at paragraph 11(d) of the NPPF, the adverse impacts of granting permission would significantly and demonstrably outweigh the relatively limited benefits when assessed against the policies in the Framework taken as a whole.

Contact Officer: Sarah Papaleo

Background Papers: Planning Application File Reference 4/19/2318/001