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# Appeal Decision

Site visit made on 22 February 2021

**by Graeme Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 March 2020**

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**Appeal Ref: APP/Z0923/W/20/3259220**

**land off Arlecdon Parks Road, Frizington, Cumbria CA26 3XQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
  - The appeal is made by Mr & Mrs Gate against the decision of Copeland Borough Council.
  - The application Ref 4/20/2052/PIP, dated 5 February 2020, was refused by notice dated 12 March 2020.
  - The development proposed is proposed residential development (resubmission of 4/19/2022/PIP).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The proposal is for permission in principle for residential development. Planning Practice Guidance (the Guidance) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle (PiP stage) establishes whether a site is suitable in-principle and the second ('technical details consent') (TDC) stage is when the detailed development proposals are assessed. Planning permission does not exist until consents have been issued at both stages of the process. This appeal relates to the first of these 2 stages
3. The scope of the considerations for PiP are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
4. The appellant has included a 'Schematic Layout' as part of the PiP submission which suggests how a 9-plot scheme could be laid out within the appeal site. It is clear that within the context of the PiP process such information is to be taken as indicative and it is on that basis that I have determined the appeal.
5. The application to which this appeal relates was determined by the Council in the context of the Copeland Local Plan 2013-2028 (CLP). A 'Site Allocations and Policies Plan' (SAPP) was paused at the Preferred Options stage in early 2015 whilst the intended replacement for the Copeland Local Plan, the emerging Copeland Local Plan 2017-2035 (eCLP) was published in Preferred Options Draft form in September 2020. This was supported by housing targets set out in the Strategic Housing Land Availability Assessment (2019) (SHLAA)<sup>1</sup>.

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<sup>1</sup> Which updated the SHLAA 2013

6. Given the very early stage of preparation of the eCLP I accept that it has only very limited weight, whilst the 'paused' SAPP has little or no weight. Reference is also made to the Council's Interim Housing Policy (2017)(IHP), published in response to the Council's acknowledgement that there was a shortfall against a 5-year housing land supply. The IHP was a material consideration at the time of the Council's determination of the planning application.
7. The Council has since stated<sup>2</sup> that it is able to demonstrate in excess of a 5-year housing land supply and that, as a consequence, the IHP has been revoked. The appellant has not directly challenged the Council's statements regarding the status of the various iterations of the eCLP or SHLAA, or the IHP, instead maintaining a reliance upon the IHP and the 2013 SHLAA regarding housing land supply. No evidence has been put forward to support the appellant's assertion that the Council remains unable to demonstrate a 5-year housing land supply.

### **Main Issue**

8. Thus, having regard to the above and the scope of considerations<sup>3</sup> for PiP applications, the main issue is the effect of the proposal on the character and appearance of the surrounding area, having particular regard to the location, proposed land use and the amount of development.

### **Reasons**

9. The appeal site is a broadly rectangular area of land on the southern side of Arlecdon Parks Road, lying between the road on its northern boundary and the raised embankment sides of a former railway line to the south. The main body of Arlecdon, identified with Rowrah in the CLP 2013 as a local centre but with distinct settlement boundaries, lies on the northern side of Arlecdon Parks Road. There, the linear nature of the settlement along the main road is clearly evident. Detached houses and bungalows are somewhat sporadic to the east of the site, before transitioning to roadside terraced blocks heading westwards, before the main bulk of the settlement extends in a northerly direction along Arlecdon Road. There are a small number of houses on the southern side of Arlecdon Parks Road, usually single dwellings, sporadically located along the road with substantial gaps between the houses and their road frontages.

### *Location*

10. Although individually neither Arlecdon nor Rowrah possess sufficient facilities or services to be considered local centres, when taken together they do and are defined as such by CLP policy ST2. CLP policy ST2 and accompanying Figure 3.2 set out the Council's spatial development strategy and identify a settlement hierarchy across the borough. For local centres, this means supporting appropriately scaled development within defined settlement boundaries to help sustain local services and facilities for local communities. It goes on to seek to restrict development beyond defined settlement boundaries except for a limited range of forms of development.
11. The appeal site lies outside, but adjacent to, the defined settlement boundary for Arlecdon. As such, the development of the appeal site for residential

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<sup>2</sup> As set out in a 'Five Year Housing Land Supply Statement 2020/21', published in November 2020

<sup>3</sup> Location, land use and amount of development, as set out in the Guidance Paragraph: 012 Reference ID: 58-012-20180615

purposes does not gain support from CLP policy ST2(B)(iii). Nor, in the absence of any justification for the proposal in terms of it meeting proven specific and local needs, including for rural workers, does the proposal gain support from CLP policy ST2(C)(vi).

12. Although I agree with the appellant that the policies most important for determining the application are out-of-date, it is not for the reasons posited. Subsequent to determination of the PiP, the Council confirmed by way of an updated SHLAA that in excess of a 5-year supply of deliverable housing sites exists and, as a consequence, the IHP has been revoked. The appellant has not challenged the Council's approach in this respect and I have not been presented with any further evidence that would lead me to a different conclusion.
13. Rather, the Council concede that in order to meet housing targets identified in the Strategic Housing Market Assessment (SHMA) for the period 2017-2035 development beyond defined settlement boundaries will be required. As CLP policy ST2 seeks to limit development to within development boundaries this does not wholly accord with the Framework which seeks to boost significantly the supply of homes. Thus, the presumption in favour of sustainable development set out at Framework paragraph 11(d) is engaged which states that where the policies most important for determining the application are out-of-date, permission should be granted unless the provisions of (i) or (ii) apply.
14. Although the appeal site is located in an open countryside location, it is clearly not an isolated site. Rather, the appeal site lies directly opposite the defined settlement boundary for a local centre. Nor, within the context of the broad quantum of development set out in the PiP, would the development be of an inappropriate scale for the size and nature of Arlecdon as a local centre, whilst paved and lit footways on both sides of the road allow easy access to those facilities present within Arlecdon and Rowrah.
15. Thus, in strategic locational terms and access to services and facilities, although contrary to CLP policy ST2 for the reasons outlined above, the appeal site is not an inappropriate location for residential development given Arlecdon's status as a local centre. Although the Council state that a 5-year housing supply now exists, the proposal would nevertheless boost the supply of homes in line with the Framework's objective of seeking to significantly boost such supply.

#### *Land use*

16. However, the impression of Arlecdon is, insofar as experienced when travelling along the A5086 Arlecdon Parks Road, of a settlement with a strong linear form and character. Although house types vary, the settlement's built form along Arlecdon Parks Road is linear and largely limited to the northern side of the road. Where residential development exists on the southern side, it is sporadic, separated from other residential development by open fields, and largely in the form of single, or pairs of dwellings. There is no sense of depth to this largely sporadic residential built form along the southern side of the road.
17. Because of the linear nature and built-form of Arlecdon, particularly along Arlecdon Parks Road, and the relative absence of built development on the southern side of the road, the largely open foreground provides a pleasant

frame to the imposing backdrop provided by the Lakeland Fells. The few houses on the southern side of the road do not distract from this backdrop, their number and scale being limited with generous intervening open land between them, with hedgerows and stands of trees providing a verdant framework to the foreground views.

18. The residential development of the appeal site would appear incongruous in the context of the prevailing linear pattern of development found along Arlecdon Parks Road through Arlecdon and towards Rowrah. This would be especially so in the context of the schematic layout submitted and the maximum quantum of development set out in the PiP application. However, even taking a quantum of development towards the lower end of the proposal's range, it would result in a form of built development that would be inconsistent with the prevailing character and form of the settlement, particularly along Arlecdon Parks Road.
19. Moreover, residential development of the appeal site would significantly and harmfully alter the foreground views and setting of the Lakeland Fells to the east. Views of and towards the Fells are noted as being a characteristic of the landscape character area that the appeal site lies within<sup>4</sup>, and also as being sensitive to development. The proposal would result in an incongruous built form with the buildings cluttering immediate foreground views of and towards the Fells, whilst also harmfully eroding the largely open aspect on the southern side of the road.
20. For these reasons, the proposal would have a harmful effect on the character and appearance of Arlecdon, having regard to the prevailing built form of the Arlecdon and Rowrah and the sensitivities of the surrounding landscape character and setting. The proposal is therefore contrary to CLP policies ENV5 and DM10 in this respect.

#### *Amount*

21. The PiP was submitted for residential development of a minimum of 1 dwelling and a maximum of 9 dwellings. The accompanying 'Schematic Layout' shows a proposal for 9 dwellings; 7 dwellings set out in a cul-de-sac form with the access road into the site located towards its western edge and leading to a turning head at the southern end of the site, and two further frontage dwellings on the site's northern edge fronting on to Arlecdon Parks Road.
22. A cul-de-sac development, of the nature suggested on the schematic layout, for a maximum of 9 dwellings would be wholly at odds with Arlecdon's built form and would be harmful to the character and appearance of the surrounding area for the reasons I have set out above. However, such matters of layout are for consideration at the TDC stage and approval at the PiP stage does not infer any acceptance of detailed layout. It is therefore important to consider whether, or how, the quantum of development might be appropriate in this location.
23. The Schematic layout sets out an indication of one layout for nine dwellings. The prevailing linear built-form present along Arlecdon Parks Road is largely achieved by a terrace of houses along the northern side of the road. There are detached and semi-detached properties that continue the linear form of development, but terraced properties are the prevailing type of house. Whilst

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<sup>4</sup> LPA Statement of Case Annex E: Cumbria Landscape Character Guidance – sub-type5a

there may be other ways of developing the site for up to 9 dwellings that more closely replicate the prevailing terraced form of development to the northwest of the site, such strong frontage development would be at odds with the form, character and appearance of the southern side of Arlecdon Parks Road.

24. Within the range set out in the PiP, a lower quantum of development may be more in keeping with the pattern of development along the southern side of the road. However, as important to this character are the open fields and paddocks along the southern side of the road. Development of a smaller number of dwellings along the site's frontage might avoid the depth of development suggested by the schematic layout, but would instead result in a cluster of development adjacent to the existing properties that adjoin the site to the east which would also be inconsistent with the prevailing pattern of development and built form.
25. The Council have suggested that the PiP be limited to two dwellings. As this would fall within the range set out in the PiP application such an approach would not be beyond the scope of the PiP process. However, I am not persuaded it would address the harm to character and appearance that development of this nature on this site would cause to the character and appearance of the surrounding area. For these reasons, development within the range set out in the PiP would cause material harm to the character and appearance of the surrounding area, contrary to ENV5 and DM10 in this respect.

### **Other Matters**

26. I have noted other matters raised by interested parties, including the suitability of the site to provide safe access to and from Arlecdon Parks Road due to the bend in the road immediately to the west of the north-western corner of the site. This, and other matters including landscaping, ecological mitigation drainage and the residential amenities of occupiers of neighbouring properties, are not matters that fall within the scope of the PiP stage of the process to ecology. Rather, they would be matters to be addressed at the TDC stage and so neither they, nor CLP policies DM11, DM12 or DM26 which the Council refer to in the refusal reason, are material to my consideration of the PiP application.

### **Conclusion**

27. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Graeme Robbie*

INSPECTOR