

PP 050521

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/20/3263855

Planning Application Ref: 4/20/2357/PIP

Location: Land adjacent to School House and B5345, St Bees, Egremont

Proposal: Application for Permission in Principle for Three Residential Dwellings

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. APPLICATION FOR PERMISSION IN PRINCIPLE

1.1.Planning Application ref: 4/20/2357/PIP comprised an application for Permission in Principle.

1.2.An application for Permission in Principle is an alternative way of obtaining planning permission for minor housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development.

1.3.The permission in principle consent route has two stages: the first stage (or ‘permission in principle’ stage) establishes whether a site is suitable in-principle only and the second stage (or ‘technical details consent’ stage) stage is when the detailed development proposals are assessed.

2.0. SUPPORTING INFORMATION

2.1. On the 22nd October 2020, application ref 4/20/2357/PIP was refused under delegated powers by the Planning and Place Manager of Copeland Borough Council for the following reasons:

Reason 1:

The Application Site comprises an open area of established trees and shrubs which make a positive contribution to the character of the settlement of St Bees,

particularly in the elevated views on entry to the settlement from the B5345. The development would result in the loss of the open area and established trees and shrubs and would suburbanise the intrinsic rural character of the settlement entrance to its detriment. The development is therefore in conflict with the provisions of Policy ENV5 and Policy DM10 of the Copeland Local Plan 2013 - 2028, Criteria J of the Interim Housing Policy and Paragraph 127 of the NPPF.

Reason 2:

The proposed development would fail to preserve or enhance the character or appearance of the St Bees Conservation Area by harming its setting. The development would harm the setting of the Grade II Listed Abbey Farmhouse and the non-designated heritage assets of the St Bees School. Applying the terminology of the NPPF, the resulting harm would be less than-substantial; however, in overall terms, the public benefits arising from the development do not outweigh the identified heritage harms arising from the development. The development is in conflict with the provisions of Policy ENV4 and Policy DM27 of the Copeland Local Plan 2013 -2028 and Paragraphs 184 – 202 of the NPPF.

- 2.2. An appeal of the decision of Copeland Borough Council was made and has now been allowed by the Planning Inspectorate. A copy of the decision letter is attached.
- 2.3. In considering the merit of the proposed development, the Planning Inspector considered the main issues to be the effect of the development on the character and appearance of the area having regard to its location, whether the site is suitable for residential development in terms of land use and amount of development, and whether the proposal would preserve a Grade II Listed Building, Abbey Farmhouse, a non-designed heritage asset, St Bees School, and where it would preserve or enhance the character or appearance of the St Bees Conservation Area.

Character and Appearance having regard to Location:

- 2.4. The Planning Inspector recognises that the appeal site provides an open area of land with established trees and shrubs which makes a positive contribution to the character and appearance of the area on the approach into the village from the B5345. However the application site is of a small scale, within the village boundary and lies adjacent to existing residential development.
- 2.5. Approaching the village along the B5345, views towards the settlement can be obtained for a considerable distance. The stone wall on the boundary of the appeal site provides a hard barrier, which in visual terms denotes the edge of the village with built development beyond. The Inspector notes that the appeal site would be seen within this context.

2.6. Whilst inevitably development on the site would have localised impact, given the above, the Inspector is not persuaded that the effect on the character and appearance of the area would be unacceptable. The Inspector states that any detailed scheme could retain existing landscaping and provide new planting to soften the view of new built development on the settlement edge.

2.7. The Inspector concludes that the proposal would therefore comply with Policies ENV5 and DM10 of the Copeland Local Plan which seek to protect the Boroughs landscapes from inappropriate change and to ensure that development responds positively to the character of the site and wider setting. The scheme would also accord with paragraph 127 of the National Planning Policy Framework (the Framework) which aims to ensure that development is sympathetic to local character including landscape setting.

Land Use and Amount of Development

2.8. The Planning Inspector notes that St Bees is defined as a Local Centre in Policy ST2 of the Copeland Local Plan 2013 – 2028. The site is located within the settlement boundary for St Bees, therefore market housing would in principle be acceptable.

2.9. The Inspector has stated that the PIP is submitted for three dwelling, which would be an appropriate scale of development for the Local Centre. The Inspector has also concluded that the submitted 'Site Sketch Proposal' shows the site is large enough to accommodate three dwellings.

2.10. The Inspector therefore concludes that the proposed residential use of the site and the amount of development proposed would be acceptable in terms of Policy ST2 of the Local Plan.

Impact on Heritage Assets, nearby Listed Building and Non-Designated Assets

2.11. The appeal site lies outside but on the edge of the St Bees Conservation Area (CA), within the setting of the Grade II Listed Building, Abbey Farmhouse, and to the west of the non-designated heritage asset (NDHA), St Bees School.

2.12. The Council argued that the proposal would suburbanise and modernise the character of this historic gateway into St. Bees, and that the rurality of the appeal site and its undeveloped nature make a positive contribution to the significance of the Grade II Listed Building as an edge of settlement historic farm.

2.13. The Inspector has, however, stated that the character of the CA has already been eroded by nearby residential estates, such as Abbey Vale, which is much larger in scale and extends up the valley side having a much greater impact in terms of

landscape and heritage. The Inspector also states that the significance of the Listed Building as an edge of settlement historic farm is already undermined by more modern development in this part of the village, which lie much closer to the Listed Farmhouse than the appeal site and have a significant impact on its setting.

2.14. Furthermore the Inspector also states that the setting of the School when viewed from the north along the B5345 is already influenced negatively by the presence of modern industrial buildings to the southern end of the school site. The Inspector accepts that the proposed development would have the potential to further impact negatively on the setting of the school, however, she notes that this is a modest development which would have a limited impact on the setting of the school as a whole.

2.15. The Inspector therefore concludes that the proposal would preserve the character and appearance of the CA and cause no harm to the setting of nearby Listed Building and the NDHA. The appeal scheme would therefore accord with the Act, section 12 of the Framework and Policies ENV4 and DM27 of the Copeland Local Plan which seek to preserve and enhance the historic environment.

Other Matters

2.16. The Planning Inspector notes that objections to the development from local residents and the Parish Council on highway grounds. She also notes that lack of objection from the Highway Authority. However bearing in mind that the application is for Permission in Principle, the Inspector is satisfied that access and highway safety issues can be appropriately addressed at the Technical Details stage.

3.0. PLANNING BALANCE

3.1. The Council have advised that Policy ST2, a policy most important in the determination of this appeal, is out of date. Accordingly, in accordance with paragraph 11 of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

3.2. The Inspector concludes that the appeal site is in a sustainable location with good access to the services and facilities in the village. It is also close to public transport connections by rail and bus. Whilst it has been established that the Council has a 5-year supply of housing land, the development would make a contribution to this, meeting the Framework objective of significantly boosting

the supply of homes. The proposal would make use of a vacant piece of land no longer used by the School and the construction of three houses would have economic benefits in terms of the local construction industry and the supply chain.

3.3. The Inspector has found that the proposed would not cause harm to the character and appearance of the area, would be in a suitable location, and would form an appropriate land use and amount of development. The Inspector has therefore stated that as there are no material considerations which indicate that the development should be determined other than in accordance with the development plan, permission in principle should be granted.

4.0. CONCLUSION

4.1. The Planning Inspector concludes that the appeal should be allowed.

Contact Officer: Christie Burns

Background Papers: Planning Application File Reference 4/20/2357/PIP