

Planning Appeal - Full Statement of Case

Erection of a 2 Bedroomed Cottage (Resubmission of withdrawn application 4/22/2447/0F1)

FIELD 911, MILL STREET, FRIZINGTON

Planning Application Reference: 4/23/2036/0F1

Introduction

On the 7th February 2024, Cumberland Council refused planning permission for the Erection of a 2 Bedroomed Cottage - Application Reference (4/23/2036/0F1)

This Full Statement of Case represents the Appellants case for the Appeal. The brief for the project had been developed by the current landowner (appellant) who, having been born and raised in Frizington, would like to build his 'forever home' on the site.

The site and barns were most recently used for agriculture but have been redundant for a number of years, storing unused agricultural equipment since. Dating back as far as the 1800s the site previously had a number of pit buildings and features a redundant mine shaft.

Although the site lies just outside the village boundary, it is within the village's 30 mile posts and is also connected to the centre of the village by pavement.

Description of Proposal

Proposed 2 Bedroomed Cottage (Resubmission of withdrawn application 4/22/2447/0F1)

Proposed two bedroom cottage on the site of a redundant coal mine, Mill Street, Frizington. The site is known as Bog Hole at Mill Street, CA26, field no. 911.

This would be a small development of a two bedroomed cottage on a brownfield site, blending in with the barns currently on the site and designed with climate change very much in mind.

While the proposed dwelling does lie just outside of the village boundary, it will have no adverse effect on the site or surrounding area, being screened almost entirely by rising ground, trees and existing barns.

The site also lies within the current 30mph signs, and the proposed entrance would have vision of splays of >60m each way.

The proposed dwelling will have a grey dash finish to the walls and roof tiles, both in keeping with the existing barns.

Being on the edge of the village, the site is within walking distance of both local amenities and public transport.

With sustainability in mind, Barn A would be fitted with solar panels on the South facing roof to produce power while the property would also utilise a water tank built behind the retaining wall to the West of the site, harvesting rainwater for general use.

The site lies on a coal development referral area and according to the Coal Authority's mapping system, potentially includes a mine entry and high risk area. As a result I have had both a coal mining risk assessment and contaminated land risk assessment completed. The conclusion of both assessments is that the assessors see no reason why planning permission should not be granted with respect to coal mining legacy issues and that the further site investigation works recommended in this report form a condition on the planning approval.

Furthermore, following information being provided by the coal authority, the plans ensure that all the proposed development will lie outside of the zone of influence of the redundant mine shaft.

Site Photographs











Surrounding Area

The site is almost entirely surrounded by agricultural land, to the North West, West, South West and South. Immediately to the North and East is Mill Street, leading to Whitehaven in one direction and the centre of the village, the other. At the South East corner of the site is a neighbouring property which is the first house in a terrace comprising eleven houses.

The neighbouring agricultural land is split into several plots; some of these are used primarily for sheep farming while others are used for forestry.

Both the barns on the site and the line of terraces in close proximity are pebble dashed.

There is a pavement that joins the site to the centre of the village including bus routes and local amenities. These are approximately a five minute, 350m walk from the site.

The proposed dwelling is only directly overlooked by the end of terrace house and can only be seen from the frosted bathroom window and garden which is approximately 40m away from the location of the proposed development.

The proposed development cannot be seen from the road as vision is obscured by both the boundary hedge and barns.

Reasons for Refusal

The LPA advised that the proposed development was refused due to the following:

1. The proposed development comprises a market led residential development located on a site outside of the settlement boundary of Frizington in direct conflict with the provisions of Policy DS3PU, Policy DS4PU and Policy H4PU of the emerging Copeland Local Plan 2017-2038.
2. The proposed development by virtue of its location, scale and developed form does not respond positively to the character of the site and the immediate and wider setting or enhance local distinctiveness and will result in adverse impacts upon the local landscape character and localised views from within and adjacent to Frizington in conflict with the provisions of Policy ENV5, Policy DM26 and Policy DM10 of the Copeland Local Plan 2013-2028 and Policy H6PU and Policy N6PU of the emerging Copeland Local Plan 2017-2038.

The Case for the Appellant.

Policy DS3PU

While Frizington is not described in the local plan as one of the principal towns for development it has been given status as a local service centre. The policy states that development will be 'focussed on existing employment allocations, moderate housing allocations, windfall and infill development.'

The proposed development is on a windfall site by definition as it has unexpectedly become available for development now that it is no longer used for agriculture, and therefore redundant. It can also be noted that although outside of the village boundary, the proposed development does not stray past the furthest point of Barn B when viewed from the road and so does not constitute urban sprawl.

The proposed development is well within the 30 mile posts which mark the beginning of the built up area.

Policy DS4PU

The site is joined to the centre of village by a pavement and access to local bus routes and local amenities are approximately a five minute, 350m walk from the site. The site is therefore not isolated and is a suitable windfall development, directly adjoining and well connected to Frizington, a Local Service Centre. As above the proposed development is on a windfall site and the local plans allows for developments on such sites.

Policy H4PU

This policy is somewhat in contradiction to policy DS4PU but as above the site is directly adjoining a local service centre and is on a windfall site.

Policy ENV5

The proposal does not constitute inappropriate change to the landscape as the development does not threaten or detract from the distinctive characteristics of the area. The proposed development will be in keeping with the vernacular of both the current buildings on the site and the nearby terraced houses, using grey pebble dash for the outer walls and having a slate roof. As the proposed development cannot be seen from the road and is only partly visible to the end property of the neighbouring terrace, it will not impose on the views of the neighbouring properties or of those from public land. As the site is currently a redundant agricultural site, the proposal would act to 'tidy up' the area and would have less impact on the local landscape than if agricultural activities were to be resumed.

Policy DM26

Firstly I note that a conflict with this policy was not noted in the pre planning advice given by the LPA prior to submitting the full application, presumably as the development does not affect any of the types of landscape mentioned in the Cumbria Landscape Character Assessment, nor are there any notable landscape features on or near the site. As previously mentioned the character of the area will be maintained as both the location and appearance of the development will mean that the overall appearance and public view of the site will remain all but unchanged from almost all angles. I note also that there have not been any objections from either the local parish council or any of the owners of any neighbouring properties.

Policy DM10

The proposed development responds positively to the current character of the site by using the existing barns and hedgerows to screen it from public view while also incorporating the vernacular of the existing barns and neighbouring properties into its design.

Careful attention has also been paid to the space between the proposed development and the barns, so that the previously agricultural, redundant barns can be cleared of any agricultural artefacts and made use of by the owners. As the site would come into residential use following the development it should also be noted that the hedgerows and surrounding landscape around the development would remain untouched, aside from necessary maintenance, so as to maintain the current character of the site including areas which are currently viewable by the public. The proposed development also takes into consideration waste storage and would not need to be connected to the existing drainage as the plans include both a home sewage treatment plant and soakaway.

The proposed development also benefits from a clear distinction between public and private space, marked by the site boundary which is gated and lined with hedgerow.

Policy H6PU

The development has clearly given consideration to the surrounding natural assets and local landscape character, as described above. There are no cultural or historical assets on the site. With the exception of the redundant mineshaft, which is not visible from the surface, any trace of the old mining has been removed some time ago.

The proposed development would provide adequate daylight / sunlight to the owner in all habitable rooms as the provision has been made for windows on the North, East and South of the development.

Privacy of the development itself and of neighbouring properties have both been considered and protected in the design. As previously noted the end of terrace property is some 40 metres away and the occupiers would only be able to view the development through a frosted bathroom window or from their rear garden.

The development promotes active travel being only a short walk from all local amenities. The site is also only a 5 minute cycle to the local cycle track which connects Frizington to the larger towns of Cleator Moor and Whitehaven.

The proposed development also takes into consideration waste storage and would not need to be connected to the existing drainage as the plans include both a home sewage treatment plant and soakaway.

There is also adequate space to store waste and recycling apparatus and there is already a regular collection made by the local council at the corner of the site where the pavement begins.

There is already adequate space for parking on the site which makes use of the old farmyard.

Policy N6PU

The development does not affect any of the types of landscape mentioned in the Cumbria Landscape Character Assessment, nor are there any notable landscape features on or near the site. The character of the area will be maintained as both the location and appearance of the development will mean that the overall appearance and public view of the site will remain all but

unchanged from almost all angles. A landscape appraisal was at no point requested by the LPA during any point of the application process, presumably as there is no need for one, as the development does not risk any potential harm to the local landscape. The development would have no negative impact, visual or otherwise, on the character of Frizington.

Further Notes

Pre-application advice sought prior to application and advice was provided by the LPA, taking into account the Copeland Local Plan 2013-2018 and NPPF.

As advised then by the LPA:

'Paragraph 11 of the NPPF sets out that planning permission should be granted unless:

- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.'

It should be noted that the area of development is a redundant agricultural site bordered by agricultural land, a road and an end of terrace property and it is not of particular importance to the village. The negative impacts, as there are none of note, do not outweigh the benefits of the development.

There have been no objections from the Highways Agency, Coal Authority, Parish Council or any local persons to the proposed development. The development would be built to a high standard and would not have any adverse impact to surrounding properties. While the development would turn a redundant agricultural site into a residential site, it does not represent a loss of open countryside nor would it appear as an obvious intrusion into the open countryside.

During the course of the application process the LPA did not make a visit to the site which I believe had a big impact on their ability to assess the application and make a reasonable decision. I would request that as part of the appeal process, the appeal officer makes a site visit, during which it will be very clear that the impact on both the landscape and surrounding area would be negligible.

Summary

Need

To provide a dwelling for the landowner who wishes to build a 'forever home' in the village in which he was raised.

Previous use of land

Agricultural land and barns, now redundant for several years.

Design

Vernacular, suitably scaled, proportionate and in context to the surroundings.

Impact

Zero to neighbours, nearest being an end of terrace 40m away.

Sustainability

Solar panels, soakaways, rain water harvesting.

Policy

Meets and satisfies Local Plan and NPPF requirements, includes significant sustainable approach as promoted in NPPF.

Ecology

No loss of trees or habitat.

Location

Just outside of the village boundary but within 30 mile posts and connected to the local amenities and bus routes by pavement.

Conclusion

Although the current application site is beyond the development boundary, it is clear that the site forms part of Frizington and is arguably better connected to the amenities than several properties at the South and North West entrances to the village and also the new development at Rheda, Beckstones - this development isn't currently connected to the village at all by pavement.

The site should be considered on its own merits as a windfall development opportunity that performs well against the sustainable development objectives identified in the NPPF.

The current Planning Policies seek to restrict but not eliminate development outside development boundaries that is appropriate in the countryside. The development makes use of a now redundant agricultural site. This is an important material consideration and the proposal is sufficient as a windfall site in its-self to align directly with the policies of the LPA.

The proposal would make a contribution to the housing provision of the Development Plan and should therefore reduce the need to locate other housing elsewhere in the area.

The site is accessible to jobs, shops and services and is well served by public transport. There is sufficient capacity in existing facilities and infrastructure to support a single residential development in this location.

There are no physical or technical constraints that would preclude development of the application site. The applicant has demonstrated that the proposed development has been informed by, and is sympathetic to, landscape character and quality and shows proper regard of the relationship of the site to its surrounding area.

There have been no objections from the Highways Agency, Coal Authority, Parish Council or any local persons to the proposed development.

Adequate justification has been submitted to demonstrate that the proposal would not constitute inappropriate development and does not have a significant adverse effect on neighbours, the environment, the landscape character, local amenities or appearance of the locality.

The council's reasons for refusal are therefore not justified and the inspector is respectfully requested to allow this appeal and grant planning permission.