

Outline Planning Application for Residential Development, Atkinsons Builders Yard, Oaklands

Mr B Atkinson

PLANNING STATEMENT

S U M M I T
T o w n P l a n n i n g

1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of Mr B Atkinson ('the applicant') in support of an outline planning application for the change of use of this brownfield site for up to 2 new properties.
- 1.2 The owner of the builder's yard is future proofing his business and the development site. The proposed new dwellings are all within the site of the builder's yard which meets the definition of previously developed land. The proposed scheme would result in:
- Up to 2 new homes being delivered;
 - The reuse of a brownfield site;
 - An improved environment for the existing properties adjacent to the yard.
- 1.3 The site is not within any area benefitting from statutory protection and is not in proximity to any listed buildings or structures.
- 1.4 An application was made which was refused on the basis of access to services and therefore the site was considered unsustainable. This application seeks to address that issue.
- 1.4 This Planning Statement will consider the planning requirements applicable as contained within the National Planning Policy Framework, the Copeland Local Plan 2013 and any other relevant material considerations.

2. Site Context

- 2.1 The development site is situated in an area which is outside of any main settlement but in close proximity to existing housing:



- 2.2 As demonstrated by the aerial view above, the site cannot be considered isolated for the purposes of paragraph 79 of the National Planning Policy Framework (NPPF). This policy restricts development in isolated locations only and not rural areas such as the development site.
- 2.3 Braintree District Council v Secretary of State for Communities and Local Government et al [2017] EWHC 2743, handed down the decision which has led to the understanding of the term isolated. The judgement determined that 'isolated' as referred to in Para 55 of the previous version of the NPPF (now Para 79) was to be given its ordinary meaning i.e. a dwelling that is physically remote from a settlement. The court further ruled that what defines a settlement is undefined and there is no specified minimum number of dwellings or population. The Judge stated:

In my view a settlement would not necessarily exclude a hamlet or a cluster of dwellings without, for example, a shop or post office of its own, or a school or community hall or a public house nearby, or public transport within easy reach.

- 2.4 As the site is located within and forms part of the hamlet of Oaklands. The site is therefore not isolated for the purposes of planning policy.
- 2.5 The site itself is a builders yard and office forming the administrative base of Atkinsons. Approximately 2 people work from the site daily with several daily deliveries and also vans going from base to site as the business continues to wind down. The building sits surrounded by mature trees and these would generally be retained to the boundaries with some limited removal in the garden of the existing residential property known as Weston. The site is clearly defined by these trees.
- 2.6 Two of the dwellings will be provided on the site of the builder's' yard with the store and office being demolished and the external hard surfaced area being removed.

Surrounding Development

- 2.7 The hamlet comprises linear development along the A596. There are detached and semi detached units of various designs and no overall design.

Local Facilities

- 2.8 The application site is located is between Thornhill and Beckermet. There are a range of services available within these two settlements:
- Primary School - available at Thornhill, approximately 0.78 miles away
 - Public House - available at Beckermet, approximately 0.67 miles away
 - Nursery Provision - available at Beckermet, approximately 0.58 miles away
 - Village Hall - available at Haile, approximately 1.02 miles away
 - Church - available at Haile, approximately 1.1miles away
 - Retail - available at Egremont, approximately 1.87 miles away

2.9 Any development at this site would support these services.

2.10 In addition, there is a bus stop within 300m from the site, this is available in both directions:



2.11 For those who wish to cycle or walk there is a dedicated cyclepath/footway



2.12 This reflects the need for cycling infrastructure in the area due to the high number of cyclists reflecting the cycle-ability of the area and forms part of the National Cycle Route 72. Beckermat is approximately a 10 minute cycle, Sellafeld 25 minutes, Egremont 35 minutes and Haile approximately 15 minutes.

- 2.13 Within 700m there is the Beckermest Trading Estate which offers employment opportunities, 2.38km to Egremont which is a main town within Copeland, approximately 3km to Sellafield.
- 2.14 We contend therefore that the site would not conflict with policies to allow housing in areas with access to a range of services, all of these services could be accessed by cycle as a real alternative to the private car. There are major employment generators such as Sellafield within a short distance.
- 2.15 In addition, any car movements associated with the development would be significantly less than those associated with the current use.

3. Planning Considerations

Reason for Refusal

- 3.1 The previous scheme for 4 dwellings on a larger site was refused for the following reason:

The Site is located in the hamlet of Oaklands in an area of open countryside. The proposal comprises a small scale residential development on an existing employment site and no need to the development on an existing employment site and no need for the development or justification for the loss of the employment site has been demonstrated. Community facilities in the general wider vicinity of the Site are limited. Access to services from the Site is also limited being beyond distances which residents could reasonable be expected to walk or cycle. Given the disparate spread of the services and facilities and lack of sustainable transport links, travel by more sustainable methods would be unlikely to offer a feasible alternative to the private car. The minor benefits that could result from a small housing development in this location would not be sufficient to outweigh this harm, especially as the housing 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 SS3 of the Copeland Local Plan 2013 -2028 and Paragraphs 8, 9, 79 an Paragraph 80 and Part 9 of the NPPF.

The Proposed Scheme

- 3.2 The proposed scheme seeks the demolition of the existing commercial office and yard area which constitutes the builder's yard and the erection of up to 2 dwellings. The new residential curtilages would be wholly contained within the boundaries that are already defined by mature landscaping.
- 3.3 No development is proposed outside the boundaries of the site and therefore there would be no encroachment into the open countryside.

Sustainable Development

- 3.4 The following paragraphs will explain why this development comprises sustainable development in line with the NPPF and the wider sustainable aims of the Local Plan.
- 3.5 The NPPF defines sustainable development as three overarching objectives which are interdependent and should be pursued in a mutually supportive manner:
- An economic objective - buildings a strong, responsive, and complete economy;
 - A social objective - supporting strong, vibrant and healthy communities;
 - An environmental objective - making effective use of land, enhancing the natural, built and historic environment.
- 3.6 The site is immediately adjacent to residential development and a previously development site. A core planning principle as set out in para 17 of the NPPF (and repeated in para 111) states that planning should:
- ‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’.*
- 3.7 The proposed scheme seeks to demolish and redevelopment the existing structures on site. This complies with national and local policy which acknowledges and seeks to encourage the effective use of previously developed land. Para 84 of the NPPF recognises that development in the rural area may be in locations not served well by public transport. This is true of much of Copeland and the wider Cumbria area. It provides that: *‘the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.*
- 3.8 Paragraph 78 of the NPPF notes that to promote sustainable development in rural areas. Housing should be located where it will enhance and maintain the vitality of rural communities. Of special relevance is the acknowledgement that where there are groups of smaller settlements, development may support services in a village

nearby. As demonstrated in Section 2 of this report, within under two miles there are a range of services available which housing at this location would support including education, community facilities and wider retail. These services are within the range of cycling and there is a dedicated off road cycle path for use.

- 3.9 The development of this site would therefore provide for an opportunity to reuse brownfield land in accordance with policy ST1 and SS2 of the Copeland Local Plan which seek to direct development to brownfield sites and achieve 50% of new housing development on brownfield sites.
- 3.10 The proposed scheme would bring social benefits by improving the amenity of existing adjacent residents, the reuse of the brownfield site would reduce car trips through removing the trips made by employees and delivery drivers and therefore be environmentally beneficial and support local services through the delivery of new homes in the locality.
- 3.11 The Council has supported development of residential units in Nethertown under reference 20/2468/001 on Greenfield land. Whilst it is appreciated that every site is determined on its own merits, this does draw comparisons. The Site was Greenfield, this site is previously developed land. The settlement does not have any of its own facilities (other than a rail halt), this site has immediate access to a cycle path and bus stop. Nethertown is no better related to community facilities such as schools or shops and it arguably further away. It would not seem like a consistent decision has been taken.
- 3.12 In addition, as a previously developed site, there are already a high number of vehicle movements attributed to the use and any potential future use would again have vehicle movements, these would be significantly reduced by 2 houses on the land and therefore would be a more sustainable use in terms of car miles.

Alternative Commercial Uses/ Existing Use

- 3.13 The site is closely related to other non commercial uses. The commercial use was granted in 2004 under reference 4/04/2725/0 for the Relocation of building business including erection of storage building and officer, portacabin, widen access to the A595. The operator of the building yard has been both the owner of the building yard and the adjacent dwelling. It is considered that the removal of this commercial element from an otherwise residential community will be of benefit to the amenity of residents. Other commercial uses would have the potential to increase use, which has been monitored and minimised due to the owner living on the site adjacent, and therefore increase the detriment to residents. It is therefore considered that the appropriate use of this brownfield site is residential.
- 3.14 Given the close relationship of the brownfield site to housing which would no longer be occupied in connection with it, it is not considered that it would be desirable to return this site to an B2 use (which could lawfully move to a B8 use). Not only would this have potential impacts on the adjacent residential properties but the continued use of the site for either general industrial or storage and distribution would engender far greater car journeys than those which would be generated by the provision of 2 new homes with the introduction of 2 new families into the community.
- 3.15 The owner of the business is now at a time in his life where he is getting older and the business is being wound up. This application is not therefore resulting in the loss of any jobs as these are already occurring with the business now down to 2 employees.

Access

- 3.16 The access to the site was upgraded in 2005 as part of the development of the land for commercial purposes. The use of the site for up to 2 properties would result in a less intensive use of the access than could take place under the current use. It is not proposed that the access will be altered in any way and there would be no material impact on the capacity of safety of the highway network.

Trees

- 3.17 The trees which surround the site can all be retained within the development of the site. The development of garden space and the introduction of garden planting will have a beneficial effect on the adjacent trees and promote biodiversity.

4. Planning Balance

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that any application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 4.2 In this instance, the relevant Local Plan is the Copeland Local Plan 2013 which is now 7 years old and has been in force through three iterations of the NPPF. Whilst a review of the Plan is underway this is not at a stage where any weight can be attributed to it. The NPPF (revised in 2021) is a material consideration in the determination of planning applications and forms the national policy for England.
- 4.3 Decisions should be taken in broad accordance with the provisions of these two documents taken as a whole, applying appropriate weight to the benefits that any scheme can bring. Whilst housing outside the settlements named in the local plan is not in strict accordance with policy ST2 (Spatial Development Strategy) of the Local Plan, it is noted that development is generally resisted, this allows for instances which are site specific in which development can be appropriately delivered.
- 4.4 It is considered that the redevelopment of this site would represent sustainable development:
- The existing use is to cease and redevelopment for housing will have a significant beneficial impact on the residential amenity of housing immediately adjacent;
 - The site represents previously developed land. The re use of this is strongly encouraged by both national and local policy;
 - The site is not isolated in planning terms and forms part of the hamlet of Oaklands in this location. There are strong boundaries which are to be retained and would ensure that there is no creep of the site in to the surrounding countryside;
 - The proposal will have a beneficial impact on the visual appearance of the site. It will also be less intensive in terms of vehicle movements;

- The construction of additional dwellings will have an economic benefit as this will support local services and facilities within nearby settlements (all under 2 miles) and also generate an opportunity for construction jobs;
- There will be a social benefit in terms of the improvement to the amenity of adjacent homeowners and residents;
- There will be an environmental benefit in respect of fewer vehicle movements from the site and improved biodiversity through the creation of garden space.

4.5 The proposed development is consequently considered to positively connect the three dimensions of sustainability in a mutually dependant manner. The Site is a windfall site which has come about due to a change in the circumstances of the applicant. It is surely preferable to have previously development land which is adjacent to an existing hamlet of houses to be used productively rather than derelict. The development will provide economic benefits through building period and the lifetime of the houses; social benefits of bring residents into the area to support the village centre for example; and environmental benefits reducing car journeys from the lawful use and the productive reuse of previously developed land.

4.6 It is considered that when applying appropriate balances to the redevelopment of the site, the benefits outweigh and perceived harm which may be caused and achieve a positive overall planning balance. It is important that planning decisions are made with appropriate balance and seek to deliver the broad achievements of the national and local policies when taken as a whole.

5. Summary and Conclusions

- 5.1 The foregoing has demonstrated that the proposal is in accordance with national and local planning policy in relation to rural areas. In particular:
- It is not isolated under the definition of para 79 of the NPPF when considering legal interpretations of the word isolated;
 - The development will provide for the reuse of brownfield land which carries significant weight in both local and and national policy;
 - It will bring significant benefits to the adjacent residential properties;
 - There are a range of services available in journey distances of under 2 miles, it is noted in the NPPF that rural development may be in areas which are not served well by public transport. These services will be supported by the proposed development.
 - The development does represent sustainable development and will result in a use that lowers vehicle movements from the existing use and will therefore be environmentally beneficial;
 - Cycling is a true alternative mode choice given the high quality cycle path in the area.
 - The development will improve biodiversity on the site.
- 5.2 The relevant policies have been fully considered and must be interpreted as a whole when also considering the benefits of the scheme. The resultant development will have a positive impact on rural housing whilst having the potential to lower vehicle movements. Proposed units have been reduced to the area of the former builders yard only.
- 5.3 It is considered that when fully assessing then benefits of the proposed scheme, any perceived harm is outweighed and that planning permission should be forthcoming.