
Appeal Decision

Site visit made on 4 March 2015

by Anthony Lyman BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 April 2015

Appeal Ref: APP/G0908/A/14/2229270

Land adjacent to Grasmoor Sports Centre, Lorton Road, Cockermouth, Cumbria

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Rockford Holdings Ltd against the decision of Allerdale Borough Council.
 - The application Ref 2/2014/0546, dated 22 July 2014, was refused by notice dated 16 September 2014.
 - The development proposed is five detached self-build houses and new vehicular access.
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Decision

1. The appeal is allowed and outline planning permission is granted for five detached self-build houses and new vehicular access at land adjacent to Grasmoor Sports Centre, Lorton Road, Cockermouth, Cumbria in accordance with the terms of the application, Ref 2/2014/0546, dated 22 July 2014, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application was made in outline with all matters, other than access, reserved for future determination. I will determine the appeal on that basis, though having regard to an indicative layout plan submitted with the application.

Main Issues

3. The main issues are, i) the effect of the proposed development on settlement character having regard to the location of the site, ii) whether provision should be made for affordable housing.

Reasons

Settlement character

4. The appeal site is an area of undeveloped scrubland on the outskirts of Cockermouth, adjacent to the B5292 Lorton Road which provides access to the town centre. The site is surrounded on three sides by sports facilities including tennis courts, a rugby clubhouse with associated pitches and car parking areas. On the opposite side of the sports centre car park is a relatively recent development of affordable houses. Beyond the tennis courts the former

- grammar school buildings have been converted into residential and business uses.
5. This stretch of Lorton Road on the approach to Cockermouth is characterised by sporadic developments such as the detached dwelling Hillcrest opposite the appeal site and a nearby haulage yard. Therefore, the proposed development, which would be well within the entrance signs to the town, would not appear as being in an area of unspoilt open countryside.
 6. I note the appellant's reference to previous applications and appeal decisions relating to various developments on larger areas of land which included the appeal site. In the most recent appeal¹ the Inspector considered that the principle of residential development on the larger site had been established, although that appeal was dismissed for other reasons relating to the lack of means to secure infrastructure contributions. A subsequent planning application for a similar development was refused for the same reason. Nevertheless, the Council contends that the principle of proposed development on the appeal site would not be acceptable as it would be seen as a fragmented development rather than a comprehensive scheme to redevelop the sports facilities.
 7. The Council argue that the proposal would be poorly related to the existing settlement limit and built form and would have an adverse impact on the character of the settlement. Although the appeal site is just outside of the identifiable built up edge to the town, I am not persuaded by these arguments, given the amount of existing, prominent development surrounding the appeal site. Cockermouth is identified as a Key Service Centre (KSC) in the Allerdale Local Plan (Part 1) (the Local Plan), wherein Policy S5 advocates that new development will be concentrated within its physical limits and should be of a scale commensurate to the size of the settlement.
 8. Although the evidence before me does not define 'physical limits', I am satisfied that the proposed five self-build houses would appear as a logical, consolidation of the town, and would be in scale and keeping with the surroundings, subject to appropriate appearance, scale, layout and landscaping, which would be determined at reserved matters stage. The site, in its undeveloped state, makes little contribution to the character of the settlement and as the development would enhance the settlement character, it would satisfy the objectives of Policy S5.
 9. Furthermore, the appeal site is within a reasonably sustainable location, with access to a wide range of facilities in Cockermouth. The provision of five self-build dwellings would generate social benefits and economic gains during the construction period and some ongoing support for local businesses by future occupants. The Council accept that the existing scrubland does not provide any unique habitat and that the site has no landscape value in its undeveloped state. Therefore, the potential exists for landscaping of the site to generate environmental gains. I conclude that the proposal would be sustainable development for which the National Planning Policy Framework (the Framework) and Policy S1 of the Local Plan confirm a presumption in favour.

¹ APP/G0908/A/13/2201834

Affordable housing

10. The Council's second reason for refusal relates to the lack of provision for affordable housing as required by Policy S8 of the Local Plan. Within KSCs, Policy S8 requires affordable housing provision only on developments of 10 or more houses or on sites of 0.3 hectares. Outside of such centres Policy S8 seeks affordable housing on developments of 5 dwellings or more or on sites of 0.15 hectares. The Council argue that the appeal site is not within the KSC of Cockermouth and that therefore, the lower threshold applies to this development of 5 dwellings. However, I have no evidence before me to demonstrate the extent of the KSC and I note that the Policy refers to the level of need identified in the Cockermouth Housing Market Area. Given the lack of a defined settlement boundary before me and the location of the site in relation to Cockermouth, I conclude that the higher threshold should normally apply which would mean that, on this development of only five dwellings, no affordable housing would be required.
11. This conclusion is consistent with the changes to national planning policy regarding the provision of affordable housing and other contributions from small scale developments announced in a Ministerial Statement on 28 November 2014. National planning policy now confirms that affordable housing should not be sought from small scale or self build developments of ten dwellings or less, outside of nationally designated areas. The Council, whilst acknowledging that the Ministerial Statement is a material consideration, argue that greater weight should be given to the adopted policies in the Local Plan. I am not persuaded by this argument as requiring affordable housing from this small self-build development would not accord with national planning policy. Even if it were considered that the lower threshold set by Policy S8 should apply, in the particular circumstances of this case, the Ministerial Statement is a material consideration which outweighs Policy S8.

Other matters

12. The proposed access to the development would be from Lorton Road. Subject to the imposition of appropriate conditions, the highway authority raised no objections to the access on highway safety grounds, with which I agree.

Conditions

13. The Council submitted a list of suggested conditions, which I have considered, and where appropriate amended, having regard to the advice in the Framework and the Planning Practice Guidance. In addition to the normal time constraint conditions relating to the submission of reserved matters and the commencement of the development, it would be necessary for the development to be undertaken in accordance with the approved plans for the avoidance of doubt.
14. In the interests of highway safety, conditions would be necessary to prevent any vehicular access to the site other than by the approved entrance and to ensure adequate visibility splays at the junction are maintained. The submission of details of the construction, drainage and lighting of the internal estate road would also be required by conditions, and the occupation of the dwellings would be restricted until the roads, footways and parking areas and a footway along Lorton Road are completed in the interests of highway safety. In the interests of residential amenity of future occupants and nearby

neighbours, and highway safety, conditions would secure the retention of parking and vehicle turning areas, and would require the provision of a construction method statement.

Conclusion

15. The proposed sustainable development would make more efficient use of an area of unkempt wasteland, would not harm the character or appearance of the area and would make a positive, consolidating contribution to the approach to Cockermouth. For the reasons given and having had regard to all other matters raised, the appeal is allowed subject to the conditions imposed.

Anthony Lyman

INSPECTOR

Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 131001-01 – Indicative Site Layout only insofar as it relates to the access hereby approved; 131001-02 – Location Plan.
- 5) There shall be no vehicular access to or egress from the site other than via the access hereby approved.
- 6) No development shall commence until a scheme for the design, construction, drainage and lighting of the internal estate road and footways, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details and timetable and thereafter retained.
- 7) No dwelling shall be occupied until the estate road, including footways to serve that dwelling have been constructed to base course level and the vehicular access and parking area associated with that dwelling have

been provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter the vehicular parking areas and turning provision shall be retained and used for no other purpose.

- 8) No development shall commence until a scheme for the provision of a 1.8m wide footway from the site entrance on Lorton Road to a point opposite the property known as Lowdon where the existing footway begins, together with an implementation timetable, has been submitted to and approved in writing by the local planning authority. The footway shall be provided in accordance with the approved details and timetable, prior to the first house on the development hereby approved, being occupied.
- 9) Development shall not begin until details of the junction between the proposed estate road and the highway, including visibility splays either side of the junction in accordance with the approved plan, and an implementation timetable, have been submitted to and approved in writing by the local planning authority; No dwelling shall be occupied until that junction has been constructed in accordance with the approved details and brought into use. Thereafter, the visibility splays shall be retained and no structure, vehicle or object of any kind shall be erected, parked or placed, and no trees, bushes or other plants which obstruct visibility shall be planted or be permitted to grow within the visibility splays.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) measures to control noise, vibration and the emission of dust and dirt during construction
 - v) hours of working and deliveries
 - vi) details of lighting to be used on site
 - vii) a written procedure for dealing with complaints regarding the construction and demolition
 - viii) measures to ensure that no harm is caused to protected species during construction
 - ix) a programme for works of demolition and construction
 - x) a traffic management plan to include all traffic associated with the development, including site and staff traffic