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## Appeal Decision

Site visit made on 22 September 2015

**by Jason Whitfield BA (Hons) DipTP MRTPI**

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

**Decision date: 13 November 2015**

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**Appeal Ref: APP/W0910/W/15/3035787**

**Land adjacent 3 The Plantation, Pit Lane, Lindal in Furness, 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 Mr Steve Davies against the decision of Barrow-In-Furness Borough Council.
  - The application Ref B13/2015/0033, dated 15 January 2015, was refused by notice dated 1 April 2015.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis. The address given on the appeal form refers to Pit Road. However, it is clear from all other evidence before me that the correct address is Pit Lane.

### Main Issue

3. The main issue is whether the proposal preserves or enhances the character or appearance of the (The Green) Lindal Conservation Area (the CA), including the effect on protected trees.

### Reasons

4. The appeal site is a cleared area of level ground surrounded by woodland within the CA. The woodland is set significantly higher than Pit Lane, and contains a dense copse of protected trees. It stands close to the development around the green and separates the core of the village from the ribbon development which emerges to the north. As a result, the trees on the site provide an attractive and prominent rural feature within the conservation area.
5. The proposal would comprise the erection of a dwelling within the clearing. Indicative plans show a dormer bungalow located centrally on the site. The site was subject to a previous appeal decision (T/APP/W0910/A/90/149448/P8) which was dismissed for failing to preserve or enhance the character and appearance of the conservation area. The appellant argues that circumstances have since changed with a different physical and policy context.

6. The Council suggest that ground work would damage or destabilise the trees. However, I have no evidence to suggest that is the case. Indeed, the appellant has provided an arboricultural report which states the development can be carried out with minimal effect on the stability of the trees. The report indicates that the removal of a sycamore tree is required for safety regardless of whether the proposal occurs or not. I consider the removal of a single tree which is located deep within the site would not undermine the value of the woodland. Furthermore, I am satisfied that subject to the mitigation measures set out in the report, which could be secured by conditions, it would be possible to construct a dwelling on the site without undermining the stability of the trees.
7. The arboricultural report, however, indicates that in order to facilitate the proposal, 11 trees would need to undergo crown reduction in order to create a 2m clearance from the dwelling. Those trees are sited on three sides of the site, some being located close to Pit Lane. They represent a large proportion of the trees around the site and their crown spread offers a significant contribution to the value of the woodland. As a result, the proposed pruning works would significantly diminish that value.
8. The trees would remain in close proximity to the proposal. The appeal site was largely in shade at the time of my visit, which occurred close to midday when the sun was high. Direct sunlight was restricted to a small part of the site through an opening to the south. I note that the arboricultural report indicates that five trees have a life expectancy of less than 10 years. However, even if those trees were removed, the site would remain significantly overshadowed. Whilst I note the appellant intends to reside at the site, regard must be had to both current and future occupiers of the proposal. Consequently, I consider the level of overshadowing would be such as to lead to pressure for the felling of trees which would be difficult for the Council to resist. This would further undermine the intrinsic value of the woodland.
9. The site is located outside of the development cordon for Lindal identified under saved policy B13 Barrow-in-Furness Borough Council Local Plan Review 1996-2006 (the Local Plan). Development outside of the cordon is restricted under saved policies B3, B10 and D1 of the Local Plan in order to safeguard the value of the countryside. I note the appellant considers the Local Plan to be out of date, and while I accept it is time expired, and was originally set out to address development up to 2006, the plan and its policies have been saved. The policies therefore carry due weight in accordance with their consistency with the National Planning Policy Framework (the Framework). In this case, the Council have identified that they have a five year housing land supply, and this has not been challenged by the appellant. I therefore find the policy approach to be consistent with the Framework which recognises the importance of the intrinsic character and beauty of the countryside.
10. Whilst I note the site is located in close proximity to a number of existing houses, the woodland provides a green backdrop to the locality. It is a prominent feature of intrinsic rural value which enhances the character and appearance of the conservation area and the countryside beyond. With the pruning works proposed and the potential future reduction in the density of the woodland, the dwelling would become a prominent feature within the area, being visible in views to and from the CA. Furthermore, it would integrate the built development to the north of the site into the village. As a result, it would

harm the intrinsic value of the woodland and present a dominant and incongruous presence within the CA

11. To conclude on this issue, whilst I find no harmful effect to the protected trees from the construction of the proposal, I have found that as a result of the proposed pruning works, the future pressures for the felling of trees and the erosion of the countryside, the proposal would fail to preserve or enhance the character and appearance of the (The Green) Lindal Conservation Area, contrary to saved policies B3, B10, D1, D15, D30 and D31 of the Local Plan which seek to protect the value of the countryside, protected trees and the character and appearance of conservation areas.

### **Other matters**

12. I acknowledge the sustainability credentials of the appeal site and the modest contribution the scheme would make towards boosting the supply of housing. However, I consider that the failure to preserve or enhance the character and appearance of the conservation area significantly outweigh those benefits.

### **Conclusion**

13. For the reasons given above, and having considered all other matters, I conclude that the appeal should be dismissed.

*Jason Whitfield*

**Inspector**