
Appeal Decision

Site visit made on 26 January 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 29 February 2016

Appeal Ref: APP/W0910/W/15/3135652

land adjacent to Chapel House, Newton Road, Newton in Furness, Barrow in Furness LA13 0LT

- 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 Peter Wakefield against the decision of Barrow-In-Furness Borough Council.
 - The application Ref B13/2014/0507, dated 17 July 2014, was refused by notice dated 1 April 2015.
 - The development proposed is the erection of 8 dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Peter Wakefield against Barrow-in-Furness Borough Council. That application is the subject of a separate Decision.

Procedural Matters

3. The application is in outline, with all matters reserved. Although not specifically referred to as such, drawing number PB2 : Block Plan, indicates the sub-division of the appeal site into eight plots and an amenity gap adjoining Nos 1 and 2 Chapel Houses. During the course of the application the appellant submitted a further drawing showing a proposed single shared point of access with visibility splays. It is clear from the submission documents that the Council treated these drawings as indicative, and so shall I. I have considered the appeal accordingly.
 4. The application was initially submitted with the description "outline application for the erection of 8 dwellings, including 2 affordable dwellings". It is clear from the submission documents that the description of the application was altered during its consideration with the agreement of both main parties, specifically the deletion of reference to the two affordable dwellings. The Council have considered the proposal on that basis, and I will consider the appeal on that basis too. I have, however adopted a more accurate and concise description of the development in the heading, above.
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Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area, having regard to the location of the site in relation to the settlement of Newton-in-Furness.

Reasons

6. Newton-in-Furness is a small village, principally extending long Newton Cross Road, albeit with a cluster of development around the "triangle" at the junction of Newton Cross Road and Newton Road. The appeal site is a long, largely rectangular shaped site located on the inside of a slight bend in Newton Road adjoining Nos 1 and 2 Chapel Houses.
7. Saved policy B13 of the Barrow-in-Furness Borough Council Local Plan Review 1996 – 2006 (the LP) identifies a residential cordon around Newton-in-Furness, amongst other villages. Development outside the cordon is restricted under saved LP policies B3, B10 and D1 in order to safeguard the value of the countryside. Although the appeal site at its boundary with Nos 1 and 2 Chapel Houses adjoins the residential cordon of Newton-in-Furness, it lies outside it. The northern and eastern site boundaries adjoin agricultural land whilst the southern boundary to Newton Road is marked in part by a post-and-rail fence and in part by a roadside hedge. The village school and the School House stand alone, on the opposite side of Newton Road just beyond the appeal site.
8. The appeal site and the adjoining fields separate the main body of the village from Newton Road. The village radiates principally outwards to the east along Newton Cross Road. However, relatively densely packed terraces are set at the junction of Newton Cross Road and Newton Road, around a "triangle" at this point. The character of the village as experienced from Newton Road is, however, focused around the terraces and the "triangle". Otherwise, the setting of the village in the context of Newton Road is more rural, limited to views of the village across intervening fields, which includes the appeal site. As a consequence, I find that the development of the appeal site would sit uncomfortably with the predominant form of the village.
9. Although the appeal site lies beyond the residential cordon identified by LP policy B13, I acknowledge that it does lie within both the 20mph speed limit and the extent of the village name signs. However, whilst such features can be useful in assisting to identify settlements where the built form tends to be dispersed and isolated, I find that that is not the case in respect of Newton-in-Furness.
10. The shape of the appeal site would unavoidably encourage a ribbon form of development. The lengthy site frontage onto Newton Road would emphasise the long and thin nature of the appeal site, with its development likely to result in a clear instance of ribbon development. For the reasons set out above, this is not typical of the village's presence on, or relationship with, Newton Road.
11. Whilst it has been suggested that the existing roadside hedge would be retained, the presence of built development within the appeal site would be both obvious and harmful to the character of the surrounding area. Although the school and School House serve the village and are clearly part of the community, they nonetheless stand alone from the village itself. This, I conclude, merely underlines the rural character of the appeal site and the

setting of Newton-in-Furness, and would emphasis the obtrusive form of ribbon-development that would result. The effect of the proposal would be to physically link the school with the village in a manner that I find would be harmful to the rural character of the site and surrounding area, and to the intrinsic value of the countryside in this area.

12. On the main issue therefore, I conclude that the appeal site lies beyond the residential cordon for Newton-in-Furness identified by LP policy B13. In addition to being contrary to LP policy B13, I find that the proposal would also be in conflict with LP policies B3 and B10. The proposal would result in a form of development that would be harmful to the rural character of the site and its surroundings, and to the setting and character of Newton-in-Furness, contrary to LP policy D1.
13. I note that the appellant considers that the Council is unable to demonstrate a deliverable 5 year housing land supply and that the Local Plan is out of date as a result. However, whilst the Local Plan was originally set out to address development up to 2006, and it is therefore time-expired, the plan and its policies have nonetheless been saved. My attention has also been drawn to recent appeals elsewhere within the Borough, where the plan was found to be up to date. However, the appellant has not provided substantive evidence to support these assertions or indeed to challenge the Council's statement that there is a deliverable 5 year housing land supply. 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.

Other Matters

14. I have taken account of the support offered to the proposal by the Head Teacher and Governors of Newton School, as well as to the offer of a financial contribution to the school and the allocation of an area of land as school garden. I have not however been presented with any evidence to show a mechanism to secure such a contribution and so can only afford limited weight to this matter.
15. I have noted that there is no objection in highways terms to the proposal and that ground contamination details could be dealt with by condition. I note also that matters relating to foul and surface water discharge could be addressed by condition. These are though, only neutral effects and do not outweigh the harm identified in respect of the main issue, above.
16. With regard to the offer of the area of land referred to on the indicative block plan as an "amenity gap" as land for a school garden I find that this would merely serve to emphasise the appeal site's location beyond the settlement. In any event, the piece of land would not be well related to the school itself and any benefits that may accrue to the school would, for the reasons set out above, be clearly and demonstrably outweighed by the harm caused to the character and appearance of the surrounding area.
17. My attention has been drawn to a previous appeal decision. That decision is however of some age and I note that both parties agree that it can only be afforded very limited weight. I have not been provided with the details or circumstances surrounding that appeal proposal and I must, in any event, determine the current appeal on its own merits. I can only afford this matter very limited weight.

18. I note too the appellant's submission of a map purporting to be an allocations map for Newton-in-Furness. It is not dated however, and there is no indication of its status or to which document it relates. As stated above, I must determine the current appeal on its own merits and against the provisions of the development plan at the time of my decision. I therefore afford this matter very limited weight.

Conclusion

19. For the reasons set out above, and having considered all other matters, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR