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## Appeal Decision

Site visit made on 20 December 2016

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

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

Decision date: 12 January 2017

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### Appeal Ref: **APP/Q9495/W/16/3159898** **Stockghyll Lane, Ambleside, 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 Kelsick Educational Foundation against the decision of Lake District National Park Authority.
  - The application Ref 7/2014/5252, dated 22 April 2014, was refused by notice dated 29 April 2016.
  - The development proposed is described as 'application in principle for affordable/social housing of mixed sizes - one and two bedroom flats and two and three bedroom houses - to fulfil local needs. (Resubmission of previously withdrawn PA Ref 7/2013/5233)'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline with all matters reserved. A sketch layout of the proposed development has been provided for indicative purposes only. I have therefore considered the appeal on this basis.

### Main Issues

3. The main issues raised by this case are:
  - the effect of the development on the character, appearance and landscape setting of Ambleside;
  - the effect of the development on highway safety.

### Reasons

#### *Character and appearance*

4. The appeal site forms an undeveloped field lying to the south of Stockghyll Lane, Ambleside immediately to the west of the former Kelsick Grammar School. The site is approximately half a mile outside of the settlement. It slopes steeply from east to west and comprises rough grazing with a number of mature trees along its western boundary and along the road frontage. There is an existing field access onto Stockghyll Lane.
  5. The Authority considers that the appeal site lies within open countryside however the appellants take a different view, considering the site to be within
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the settlement of Ambleside. Settlement boundaries are not defined in the development plan. Policy CS03 of the Lake District National Park Core Strategy (CS) states that rural service centres, villages and cluster communities should have flexibility to evolve appropriately over time and sets out criteria which new development must satisfy. Development should be within or relate well to the form of the settlement, to existing buildings in the settlement and to utility and community infrastructure and should protect, maintain or enhance the local distinctiveness, character and landscape setting of the settlement.

6. The site lies to the south of Stockghyll Lane about 500 metres from Ambleside Central Shopping area. I observed on my site visit that there are pockets of development on this side of the lane at Stockghyll Brow, Stockghyll Court and Ghyllside. There is then a gap in built development formed by the appeal site before the former Grammar School site. Stockghyll Lane closest to the settlement has a more urban character as houses on Stockghyll Brow are visible alongside the road. However further away from the village towards Ghyllside the density of development starts to reduce and a more rural character is appreciated. This is reinforced by the northern section of the lane which forms an attractive woodland area to the south of Stock Ghyll. Moving further up the lane to the appeal site the character is one of open countryside with mature trees by the road and a low stone wall on the boundary of the appeal site. This leads me to consider that whilst the appeal site is close to the village and within walking distance of its facilities it is located outside of the settlement in the open countryside.
7. The appellant has submitted a Landscape Character Assessment and visualisations to show the impact of the development on the character and appearance of the landscape. I agree that the proposal would result in a low level of change when viewed from Loughrigg and Wansfell. This is mainly due to the presence of existing trees and the contours of the site and surrounding area. However the greatest impact would be on the local landscape of Stockghyll Lane itself. The appeal site forms a significant open space between existing housing and the former Kelsick School. Its development would result in the loss of green infrastructure which I consider plays an important role in the character of Stockghyll Lane.
8. Accordingly I conclude that the appeal proposal would not relate well to the form of the settlement of Ambleside. It would appear detached from the village and result in further sporadic development into the open countryside causing harm to local distinctiveness and the character and landscape setting of the settlement, contrary to CS Policy CS03.

#### *Highway safety*

9. The original planning application was submitted in outline with all matters including access reserved for later approval. However the appellant submitted a Transport Assessment in support of the application.
10. Stockghyll Lane forms a narrow rural road, in places single track, with generally no footways along much of its length. The lane is also a popular and well used pedestrian route to Stockghyll Falls, Wansfell and the surrounding footpath network. I observed a number of walkers at the time of my site visit.
11. The Transport Assessment indicates that there are currently 40 dwellings served off Stockghyll Lane from Pavels shoes eastwards. The proposed

- development of up to 17 dwellings would represent a 40% increase in houses accessed from the lane. The site is located within walking and cycling distance of Ambleside and the services it provides and is less than a kilometre from the bus network serving the village.
12. In terms of traffic generation, the assessment suggests that in a 24 hour period 44 additional trips would be generated on Stockghyll Lane which equates to less than 2 vehicles an hour. In the morning peak (8am – 9am) the assessment indicates a total of 7 additional trips including arrivals and departures and in the evening peak (5pm-6pm) a total of 10 trips. I note that the Authority have not disputed this estimate or indeed other elements of the assessments findings.
  13. The Authority has argued that Stockghyll Lane is inadequate to serve the proposed development by reason of its insufficient width to accommodate the likely increase in traffic. No evidence has been provided however assessing the capacity of the road. Furthermore I am mindful that the former Kelsick School, when operational, would have generated a significant level of traffic far in excess of that likely to be generated by the proposed development.
  14. One of the main concerns of the Authority seems to relate to construction traffic in particular the ability of HGV's to pass on certain narrow sections of the road and the provision of appropriate turning facilities. Both main parties agree that with the preparation of a detailed construction management plan, many potential conflicts on the highway can be appropriately addressed and mitigated during the course of the development.
  15. The appellant has indicated that temporary turning facilities could be provided on the site. The Authority however has concerns that due to the size of the site, its topography and the likely number of HGV vehicles that it would not be feasible to provide adequate turning facilities. In the absence of a detailed scheme I have no evidence before me to demonstrate that this would be the case. In any event the application was submitted in outline with access forming a reserved matter. I recognise that the management of construction vehicles is a common problem on many sites. I am also mindful that potential highway conflicts would pertain for the construction period only. I therefore see no reason why such issues could not be addressed through a detailed construction management plan. This could be the subject of an appropriate condition were the appeal to be allowed.
  16. It is acknowledged that Stockghyll Lane is well used by walkers and there is the potential for conflict between HGV vehicles and pedestrians in the road. I note the appellant's evidence that measures would be put in place to protect walkers such as a temporary barrier providing a dedicated safe route. Again the details of such measures could be agreed through a construction management plan.
  17. The instance of two HGV vehicles being unable to pass on a narrow section of the lane is not an unusual situation for sites with restricted access width. Appropriate measures could be put in place to ensure that only one vehicle at a time tries to access the site through these pinch points. I consider that such measures could also be agreed through the construction management plan.
  18. The Authority has raised concern with regard to the details of the road layout within the site. They are of the view that proposed junction radii, the provision

of appropriate width footways, vehicle turning within the site and parking provision would be inadequate. However the submitted layout plan is indicative only as all matters including access are reserved for later approval. These detailed design issues would therefore be more appropriately addressed at this later stage in the approval process. The Authority has commented that it is doubtful that a suitable layout can be achieved on this site given the amount of development proposed, the highway requirements and the slope of the site. In any event I consider that that this is a matter to be addressed at reserved matters stage should an outline approval be granted.

19. Paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Whilst the Authority clearly has concerns with regards the highways impact of the development, they have not argued that this would be the case here. In light of the evidence before me I am not persuaded that the residual cumulative impacts of the proposal would in this case be severe.
20. Therefore I consider that the appeal proposal would not cause harm to highway safety. The Authority in their reason for refusal on highway grounds made no reference to specific development plan policies in this regard. However I consider that the proposal would comply with paragraph 32 of the Framework and its sustainable transport objectives. The development would also comply with CS Policies CS11 and CS14 which seek to promote sustainable transport solutions.

#### **Other matters**

21. The indicative plan accompanying the submission illustrates the development of 17 affordable houses with a mix of one and two bed flats and two and three bed houses. The need for affordable housing in the Lake District is agreed by all parties.
22. CS Policy CS02 supports development in the open countryside in certain circumstances including where a proposal would provide for a proven and essential housing need. The appeal proposal would contribute to meeting this need and would therefore comply with this policy.
23. However, I note that paragraph 3.5.8 of the Core Strategy states that in the open countryside housing will only be permitted where the essential need cannot be met in any other way. The Authority has identified a number of other sites allocated for affordable housing on the edge of Ambleside which they consider to be in better locations. Whilst one of these sites at McIver Lane has been developed since the appeal proposal was submitted, I am advised that other sites, including Borrans Road which could provide 40 affordable dwelling units, remain available for development. I agree with the Authority that this availability indicates that there is no need to bring forward other non-allocated sites at the current time, in particular sites within the open countryside such as the appeal site.

#### **Conclusion**

24. I have found that the appeal proposal would be located in the open countryside outside the settlement of Ambleside. The proposal would provide affordable housing which would assist to meet an identified need in the area. However in

light of the current availability of other allocated sites I consider that this need could be met elsewhere. In any event I consider that the significant benefit of the provision of housing to meet a local need would not outweigh the harm of a development in this location, unrelated to the form of the settlement of Ambleside, which would cause harm to the local character of Stockghyll Lane and the setting of the village. Whilst I have also found that the proposal would be acceptable in terms of highway safety, this does not affect my overall conclusion in this case.

25. For the reasons given above and having regard to all other matters raised I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR

Richborough Estates