



Appeal Decision

Hearing held on 19 & 20 November 2024

Site visit made on 20 November 2024

by Beverley Wilders BA (Hons) PgDURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/K0940/W/24/3349989

Land off Leece Lane, Barrow in Furness LA13 0HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mullberry Homes Ltd against the decision of Westmorland and Furness Council.
 - The application Ref is B07/2023/0652.
 - The development proposed is residential development comprising 19 dwellings with extensive landscaping / biodiversity enhancements and associated works including access, car parking and SUDS (resubmission B07/2022/0653).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name in the heading above is spelt differently to that on the application form, decision notice and appeal form. However, the parties have confirmed that the correct spelling is that stated above, and I have therefore used this spelling in my decision.
3. A new National Planning Policy Framework (the Framework) was published on 12 December 2024, after the hearing had closed. The parties were given the opportunity to comment on it and in reaching my decision I have had regard to any comments received where relevant.
4. The Council's reason for refusal number 5 relates to inadequate protected species surveys having been submitted. However, following refusal of the application, further survey work has been carried out and the Council is now satisfied, subject to the imposition of suitably worded conditions, that its concerns in respect of protected species have been addressed. I have determined the appeal accordingly.

Main Issues

5. The main issues are whether:
 - the design of the proposed development is acceptable and its effect on the character and appearance of the area;
 - the affordable housing is suitable to meet needs, whether its design is acceptable and whether future occupiers would have adequate living conditions having regard to noise and disturbance and outlook;

- the car parking and cycle parking arrangements are adequate;
- the proposal demonstrates a net gain in biodiversity;
- the proposal provides suitable open space including play space;
- the proposed drainage design is acceptable;
- the proposed green infrastructure is acceptable;
- the proposal meets requirements for energy efficiency and designing out crime;
- the proposal meets local housing need.

Reasons

Design, Character and Appearance

6. The appeal site comprises a piece of undeveloped land located on the south side of Leece Lane, on the outskirts of Barrow. It borders Leece Lane to the north and open land to the south. Existing residential development partially border the eastern and western boundaries with sporadic road fronting development along this southern part of Leece Lane. There is an existing residential development to the north of Leece Lane, the eastern edge of which extends partially across the site frontage.
7. At the hearing I was told that there is a residential allocation to the east of the existing residential development to the north of Leece Lane (REC26 – indicative yield of 135 dwellings) and that an application for 58 dwellings on the south-eastern part of that site is being considered by the Council. I was also advised that land surrounding the appeal site is allocated as a suitable area for wind energy. The appeal site itself is a housing allocation (REC05) with an indicative yield of 12 dwellings.
8. The site forms part of a transitional area between the more built up part of Barrow to the west and the more open, undeveloped land to the south and east. Existing development on the southern side of Leece Lane to the east of Stonedyke Lane is road fronting comprising buildings of a variety of style and appearance, with gaps between buildings and reasonably consistent rear boundary lines. This part of Leece Lane has a very different character to the more uniform, higher density housing development to the north off Holbeck Park Avenue.
9. The proposal is for 19 dwellings, the majority of which would be located to the south of the rear boundaries of existing development along this part of Leece Lane. Whilst the residential allocation means that development on this part of the site is to be anticipated given that it is the largest and widest part of the site, the proposal for 16 dwellings on this part of the site, is 4 more than the indicative yield for the whole site. The number and layout of the dwellings proposed results in a dense development with minimal gaps between dwellings on the rear part of the site, more akin to the residential estate to the north of Leece Lane. This would be out of keeping with the surrounding development to the south of Leece Lane.

10. The development on the rear part of the site would be screened to some extent by the green wedge to the east, which the proposal proposes to enhance, by proposed landscaping and by existing and proposed road fronting development. However, given the height and density of most of the proposed dwellings relative to the surroundings, they would be visible beyond the site boundaries.
11. The proposed access road is a dominant feature within the site layout and particular parts of the site include large areas of hard surfacing. This is at odds with surrounding development on the southern side of Leece Lane and together with the density of development, limits opportunity for soft landscaping. Neither the proposed variation in dwelling design, height, and material nor the proposed green verge to the site frontage adequately compensate for the cramped and poor layout proposed.
12. Though I acknowledge the need to make efficient use of land, the indicative nature of the yield for REC05 and that the density proposed may be acceptable on some sites, for the reasons stated, the design of the proposal is not acceptable and is out of keeping with the character and appearance of the area. Whilst this is likely to change in the future because of the nearby allocations for residential development and wind energy, in the absence of any detailed and approved schemes on those sites, I cannot fully assess the extent of the change. In any event, I must assess the proposal on its own merits and in the context of the existing character and appearance of the area.
13. Recent changes to the Framework have resulted in the removal of reference to 'beautiful places' in the title of Chapter 12 but have not removed the need to achieve well designed places that, amongst other things, add to the overall quality of the area. Similarly the lack of a local design code does not mean that well-designed places should not be sought.
14. In reaching my decision, I have had regard to the submitted evidence including the LVIA¹. The LVIA finds no more than moderate effects and harm arising from the proposal. However, for the reasons stated above, I do not consider the proposed development to be well-designed or in keeping with its surroundings. Though the proposed landscaping will help to integrate the development into the area over time, I do not consider that it would sufficiently mitigate the harm that I have identified.
15. Taking the above matters into consideration, the design of the proposed development is not acceptable, and it would have a harmful effect on the character and appearance of the area. It is therefore contrary to policies DS2, DS5, DS6, N1, H7 and H9 of the Barrow Borough Local Plan 2016-2031 adopted June 2019 (BBLP), relevant sections of the National Design Guide (NDG) and Code and relevant paragraphs of the Framework relating to design. These policies and this guidance seek, amongst other things, to ensure that development is well designed and that it protects and contributes to the enhancement of the character and appearance of an area, is of an appropriate density, has landscaping as an integral part of the design process and that proposed landscaping has a positive visual impact.

¹ Landscape and Visual Impact Appraisal 14th November 2022

Affordable Housing

16. Two of the proposed dwellings would be affordable. They comprise a pair of two-bedroomed semi-detached dwellings located in the south-west corner of the site, with courtyard parking to the front. The NDG states that where different tenures are provided, they should be well-integrated, designed to the same quality to create tenure neutral homes and spaces where no tenure is disadvantaged.
17. The positioning, size, design and parking arrangements of the affordable dwellings means that they are not well-integrated. They are in a cramped corner of the site, are the smallest and only semi-detached dwellings within the development and they have a very poor outlook from the front across a short front garden onto a number of parking spaces. The proximity to the parking spaces means that future occupiers of the dwellings would also experience an unacceptable level of noise and disturbance from vehicles manoeuvring into and out of the spaces, with more movements likely given the tandem layout proposed.
18. Policy H14 of the BBLP states that proposals for affordable housing will be assessed by how well they meet the identified needs and aspirations of the housing market area as set out within the most up to date Strategic Housing Market Assessment (SHMA) and/or more recent evidence of need. Tenure split must reflect that stated in the SHMA where possible. H14 states that it is expected that 10% of dwellings on sites of 10 units or over should be affordable.
19. Both of the affordable housing units would be for affordable home ownership with one being a First Home and the other being either another First Home, a shared ownership dwelling to be transferred to a registered provider, or a discounted market sale dwelling sold directly by the developer. This would be secured by a unilateral undertaking (UU).
20. The Council is concerned that there is no evidence that the proposed affordable housing meets the needs of a registered provider or that it meets the local need, stating that 3 bedroomed dwellings would be more suited to families. At the hearing, the Council expressed its preference for affordable housing to be for affordable rent, as set out in the Affordable Housing SPD², but acknowledged that this can be difficult to provide on sites where a small number of affordable units are proposed, as is the case with the proposal.
21. The Council has cited the findings of the SHMA Update 2016 and whilst it notes that it is now somewhat out of date, has expressed concern that the appellant has not sufficiently evidenced a need for the size and type of affordable units proposed. The Council states that the SHMA identifies a need for a mix of new homes, including 2 bedroomed open market dwellings and an affordable housing statement submitted by the appellant sets out how the proposal complies with national and local policy and guidance.
22. Whilst national policy has subsequently changed with revisions to the Framework, given that BBLP Policy H14 does not specify tenure type, that the Affordable Housing SPD is guidance not policy and having regard to the small number of affordable units proposed, I am satisfied, based on the evidence before me, that the size and type of affordable housing proposed is acceptable to meet local needs. Though smaller, 2 bedroomed dwellings would still be suitable for small

² Affordable Housing and Developer Contributions SPD adopted July 2022

families. I also note that paragraph 71 of the Framework states that whilst mixed tenure sites can provide benefits, same tenure schemes are not precluded.

23. Though not explicitly referred to in reason for refusal 6 relating to affordable housing, the Council has also expressed concerns regarding the small size of the two affordable dwellings and the fact that they do not meet the NDSS³. However, the Council acknowledge that there are no policies within the BBLP requiring compliance with the NDSS.
24. For the reasons stated above, whilst the size and type of the proposed affordable housing is suitable to meet needs, it is not sufficiently integrated within the development and its design is not therefore acceptable. In addition, future occupiers of the affordable housing would not have adequate living conditions having regard to noise and disturbance and outlook. The proposal is therefore contrary to relevant guidance in the NDG and the Affordable Housing SPD and relevant paragraphs of the Framework, insofar as they relate to the design of affordable housing and living conditions. These seek to ensure that affordable housing is integrated with and not visually distinguishable from the rest of development on site and that a high standard of amenity is provided.

Car and Cycle Parking

25. All dwellings within the development have allocated car parking spaces and some dwellings also have garages. In total, including garages, 47 car parking spaces are proposed plus one visitor space. The Highway Authority has expressed concern about the amount and type of parking proposed, citing a requirement for 48 spaces plus 3 visitor spaces as set out in the Cumbria Development Design Guide (CDDG). BBLP Policy I6, amongst other things, requires proposals to provide evidence to demonstrate that adequate parking provision has been provided in accordance with the parking standards in the CDDG. The CDDG parking guidance sets out the number of spaces required for each type of dwelling and for visitors. However, it states that it is for guidance purposes and that in some cases, lower parking levels may be acceptable.
26. There is no disagreement between the parties regarding trip rates and traffic generation to and from the site and the appellant's highway consultant has used this to assess parking accumulation for the proposed development. This indicates that parking demand would not exceed the number of spaces proposed. At the hearing the Council queried whether parking accumulation takes account of homeworking but otherwise provided no contradictory evidence to challenge the appellant's evidence.
27. Consequently and noting that the appeal site is allocated for housing and that the parties agree that it is in a sustainable location on the edge of the urban area of Barrow, I am satisfied with the total number of car parking spaces proposed, including garaging. However, the Council has also raised concerns regarding the size and layout of the parking and garaging and the effect that this would have on the functionality and practical use of these spaces. At the start of the hearing there was disagreement between the parties about the sizes required for garaging, parking spaces and driveways and the sizes included within the development. However, during the hearing the Council accepted the figures put forward by the appellant and I have determined the appeal accordingly.

³ Nationally Described Space Standards

28. Based on the appellant's figures, the size of the garages and parking spaces complies with the requirements of BBLP Policy H24 and guidance contained within the CDDG. In terms of driveways, the CDDG recommends a minimum width of 3.2 metres particularly where access is required to both sides of the vehicle and where the driveway provides 'by foot' access to the dwelling. Measurements checked by the parties at the hearing showed that the narrowest driveway width was only just below the recommended 3.2 metres with many of the driveways being wider than that. Whilst the external chimney to Plot 15 is not shown on the site plan and would affect the width of the driveway to Plot 14, the use of a condition to require its removal was discussed at the hearing. I consider this to be an acceptable approach given the relatively small amendment that this would require to the overall scheme.
29. I am therefore satisfied that the proposed parking arrangements meet the necessary standards, particularly given that most of these standards comprise guidance and not policy.
30. Whilst the tandem driveway parking arrangement proposed on many plots is not the Council's preference and would likely result in the need for some vehicle manoeuvring by residents, this type of arrangement is not unusual and is not a reason in and of itself to find the proposed parking arrangements to be unacceptable. Most parking is located close to the dwelling it would serve and where it is detached such as Plots 15 & 19, it is not so detached so as to render it impractical or unusable. There is no evidence to suggest that the parking arrangements would likely lead to excessive levels of on street parking or that such parking would have a materially harmful effect on highway safety. Given the proposed parking layout, with most parking located to the side of dwellings, I am also satisfied that it would not dominate the development or the street scene.
31. I do however have concerns regarding the courtyard parking for Plot 9 and its position relative to Plots 8 and 9. The submitted plan indicates that the southern edge of the two parking spaces for Plot 9 would abut the front garden of these dwellings. No pedestrian footway is shown to Plots 8 & 9 and it is not therefore clear how future occupiers would access their properties without either walking across the parking spaces for Plot 9 (when not in use) or walking across the front garden of Plot 9 and possibly Plot 10. This results in an unsuitable parking layout on this part of the development.
32. No cycle storage is shown on the submitted plans. However, given the size and layout of the proposed plots, I am satisfied that there is sufficient space for secure cycle parking to be provided. This could be secured by the imposition of a suitably worded condition.
33. For the reasons stated above, in the main the car parking and cycle parking arrangements are adequate. However, for the reasons set out, the proposed parking arrangements for Plot 9 are not. The proposal is therefore contrary to BBLP Policy I6 and to guidance contained within the NDG, the CDDG and to guidance within the National Model Design Code. These policies and this guidance seek, amongst other things, to ensure that adequate parking provision is provided and that it is well-designed.

Biodiversity Net Gain (BNG)

34. Both parties agree that as the application was submitted before 12 February 2024, it is not subject to the statutory requirement for biodiversity net gain and the general biodiversity gain condition would not be deemed to apply were permission to be granted. However, it is agreed that the proposal is subject to the BNG requirements as set out in the BBLP, the Biodiversity SPD⁴ and the Framework.
35. BBLP Policy N3 states, amongst other things, that proposals should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policy N4 includes a requirement that new development should conserve and enhance biodiversity features.
36. Biodiversity information was updated prior to the determination of the application and on submission of the appeal, with the most up to date document being a Biodiversity Metric dated 12 February 2024. This shows a net gain in biodiversity. However, the Council's ecologist has raised concerns regarding the most up to date metric stating that there are so many inaccuracies and errors within it, it is impossible to have any confidence that BNG would be achieved. The Council's detailed concerns are set out in Appendix 9 of its statement of case.
37. Having reviewed these concerns and discussed them with the parties at the hearing, it has not been demonstrated that BNG would be achieved or that it would not be possible, as is required by BBLP Policy N3 if BNG is not achieved. In particular, despite the appellant's assurances, it seems unlikely that 15 medium trees would be planted in the adjacent green wedge and the appellant's ecologist acknowledged the data error relating to how proposed small trees had been entered into the metric. The consequence of this error alone results in a biodiversity net loss. There is also a number of other inconsistencies/inaccuracies within the metric and between it and the submitted proposals and no information regarding ongoing management.
38. I have seen no evidence to suggest that the achievement of BNG would not be possible on the site or that the exceptional circumstances referred to in the Biodiversity SPD are present, particularly given the position of the site adjacent to the green wedge, part of which is in the same ownership.
39. Under the circumstances, the appellant suggests that the matter could be dealt with by the imposition of a condition, as is the case with the statutory metric. However, given the highlighted uncertainties regarding the submitted information including the metric and baseline habitats, I do not consider that this would be appropriate as there is too much uncertainty around if and how BNG could be achieved.
40. For the reasons stated above, the proposal does not demonstrate a net gain in biodiversity or in the absence of it, that this would not be possible. The proposal is therefore contrary to BBLP policies, DS2, GI1, N3 and N4, to guidance in the Biodiversity SPD and relevant paragraphs of the Framework. These policies and this guidance seek, amongst other things, a net gain in biodiversity unless it is not possible and biodiversity enhancement. Though BBLP policies C3a and DS5 were referred to in reason for refusal 4 relating to this issue, they do not appear to be directly relevant to the issue of BNG and biodiversity enhancement.

⁴ Biodiversity & Development Supplementary Planning Document May 2018 (SPD)

Open Space including Play Space

41. The proposal does not include the provision of any open space or play space. BBLP Policy HC10 deals with play areas and states that proposals for residential development will be assessed on a site by site basis and may be required to provide children's play space. The Affordable Housing SPD provides guidance on play areas and sets out benchmark standards for provision based on distance to existing play space.
42. The nearest play areas to the site are on Holbeck Park Avenue, on the opposite side of Leece Lane at the point where it has a 30 mph speed limit. Although there is currently no pavement outside the site connecting to the existing pavement on the south side of Leece Lane, one is proposed and a pedestrian refuge point on Leece Lane is required by the Highway Authority, should permission be granted.
43. There is a very small, enclosed area of greenspace on the western side of Holbeck Park Avenue with another larger, open area to the east of it. However, the size and status of these is unknown and the smaller one does not appear to meet the minimum space requirements for a local play area (LAP) in the Affordable Housing SPD. There is an equipped play area further up Holbeck Park Avenue, however this is at the top of a reasonably steep hill and according to the appellant's figures, is approximately 500 metres away. The appellant states that the smaller play area is approximately 180 metres from the site.
44. Although the standards within the Affordable Housing SPD are based on guidelines from 2015, they are nevertheless adopted guidance. The proposal does not meet the SPD guidance. Having regard to the proposed route to the existing play areas, across Leece Lane and up a hill, to the distances involved and to the size and quality of the nearest areas, I do not consider that these provide suitable play space for future occupiers of the proposed development.
45. Whilst all of the proposed dwellings would have private gardens, this does not adequately mitigate for the lack of access to communal play space. At the hearing the appellant stated that it is their understanding that play space is being provided as part of the larger residential development on the opposite side of Leece Lane. However, as previously stated, as far as I am aware, planning permission has not been granted on that site and in any event, I have no details regarding whether any play space is being provided. Moreover, the status and availability of open space and playing pitches located off Leece Lane to the west of the site is unknown and so I cannot be certain that these would be available for future occupiers of the proposed development.
46. For the reasons stated above, the proposal would not be provided with suitable play space and is contrary to BBLP Policy HC10 and to relevant guidance regarding children's play areas in the Affordable Housing SPD. This policy and this guidance states, amongst other things, that proposals for residential development should be provided with well-designed and located play space within close proximity to the development, or should provide contributions for off-site provision within suitable, safe walking distance.

Drainage

47. As originally submitted, surface water from the site was proposed to be disposed of via a soakaway. However, following an objection from the Environment Agency

due to concerns regarding the risk of pollution of controlled waters, and the carrying out of a leachability assessment, surface water is now proposed to be discharged to one of the surrounding watercourses. One of these is located within land to the east of the site, also in the appellant's ownership. The Lead Local Flood Authority (LLFA) also raised concerns regarding the climate change allowance used and this has subsequently been altered by the appellant.

48. A further consultation response from the Environment Agency dated 25 September 2024 confirms that it accepts the appellant's alternative solution for surface water discharge and that subject to the imposition of the suggested condition, it withdraws its objection. However, the LLFA has concerns regarding the lack of detail about the alternative drainage solution now put forward given the effect it might have on a former landfill site. The LLFA is concerned that in the absence of more detail at this stage, it is unclear whether the drainage strategy proposed might require changes to the layout of the development.
49. Noting the LLFA's concerns and the lack of detail regarding surface water drainage, I do not consider that it would be appropriate to impose a condition deferring the submission of surface water drainage details until after permission is granted. Notwithstanding the fact that the site is allocated for residential development, without more detail at this stage, I cannot be certain that an acceptable drainage strategy would not require modifications to the site layout, some of which may be significant.
50. Taking the above matters into consideration, I conclude that the proposed drainage design is not acceptable, and that the proposal is contrary to BBLP policies C3a, GI1 and DS5 which, amongst other things, require a drainage strategy to be submitted by developers that shows how foul and surface water will be effectively managed, promote sustainable drainage solution and reduce the risk of flooding.

Green Infrastructure

51. The BBLP contains various policies that refer to green infrastructure and the Council has also referred me to the Barrow Borough Green Infrastructure Strategy February 2018 (GI Strategy), though I note that this is a draft supplementary planning document so carries only limited weight.
52. A landscape plan has been submitted and this shows the provision of green infrastructure throughout the site, including along the site frontage and adjacent to the Green Wedge to the east together with the retention and provision of landscape features. Though I note that the area of green infrastructure to the west of the site is very narrow in places, this is primarily as a result of the need to provide suitable visibility at the access. Similarly the design and layout of the parking courtyard to the front of Plots 8, 9 and 10 offers little to no scope for landscaping. Whilst not ideal, I consider that the scale of the site and proposal and the provision of other areas of green infrastructure within it, particularly to the north and west, and its presence adjacent to a Green Wedge means that the proposal provides sufficient and suitable green infrastructure within it.
53. The proposal therefore accords with BBLP policies DS2, DS5, GI1, GI2, GI3, GI5 and GI6 insofar as they relate to green infrastructure and relevant guidance in the GI Strategy. These policies and this guidance seek, amongst other things, to

ensure that development incorporates green infrastructure, integrates with the adjoining natural environment and maintains the open character of Green Wedges.

Energy Efficiency and Designing out Crime

54. BBLP Policy C5 seeks to promote energy efficiency. An Energy Statement was submitted with the application and although brief, it identifies a number of energy measures that have been considered for the site including electric vehicle charging points, air source heat pumps, solar photovoltaic panels and battery storage. The statement considers that the latter three technologies are suited to the site and the development budget. Although no energy efficiency measures are detailed on the submitted plans, I consider that the matter could be adequately dealt with by the imposition of a suitably worded condition requiring such details to be submitted and agreed as there is no evidence to indicate that agreement could not be reached given the information contained within the Energy Statement.
55. Regarding crime, some concerns have been raised by the Designing Out Crime Officer at Cumbria Constabulary that the proposal does not fully comply with BBLP Policy HC5. This requires that the design, layout and location of new development contribute towards a safe and accessible environment and the prevention of crime and the fear of crime.
56. It appears from the consultation response that the Officer may have been commenting on a previous layout as some of the concerns raised are not evident from the plans before me. Nevertheless, the Council set out its remaining concerns at the hearing. Whilst these are noted, I do not consider any of them to be significant and note that in the main, both private and public parts of the development would be overlooked by the proposed dwellings providing a good level of surveillance across the site. Any concerns regarding garden boundaries and how these would relate to public open spaces on the development could be addressed by the imposition of a condition regarding hard and soft landscaping.
57. Having regard to the above, the proposal meets requirements for energy efficiency and designing out crime and accords with BBLP policies C5 and HC5. These policies seek to promote energy efficiency and crime prevention.

Local Housing Need

58. BBLP Policy H11 states that in order to broaden and enhance the Boroughs residential offer, proposals will be expected, amongst other things, to provide a mix of different housing types and sizes to address local need and aspirations. Developers are expected to demonstrate how the need has been met as evidenced by the means set out in the policy. Paragraph 7.10.3 of the BBLP refers to a dominance of terraced properties and a particular priority for semi-detached houses and two and three bedroomed properties being identified in the SHMA. The Council acknowledges that the SHMA is somewhat out of date but has not referred me to any more recent, Council produced housing evidence.
59. The proposal is for a mix of two, three, four and five bedroomed dwellings. Most are two-storey detached, though there are two bungalows and a pair of semi-detached affordable dwellings. The appellant is a local housebuilder and states that the proposed housing mix offers the most commercially viable proposal for the location, helps to address the imbalance of largely terraced dwellings within the Borough and that the provision of larger dwellings will allow movement in the

existing housing stock by providing the ability to access larger aspirational market housing.

60. Whilst the Council questions the appellant's market knowledge and cites slow sales rates on other sites locally, other than referencing the 2016 SHMA, the Council has not provided any evidence to contradict that of the appellant. In the absence of this and of any detailed evidence regarding the appellant's sales rates on other nearby sites, I am satisfied that there is sufficient evidence to demonstrate that the proposal addresses local need and aspirations. Though the highest proportion of the dwellings are four and five bedroomed, a variety of property types, sizes and tenures are proposed.
61. Taking the above matters into consideration, the proposal accords with BBLP Policy H11 which seeks, amongst other things, to ensure that proposals provide a mix of housing types, sizes and tenures in order to meet local need.

Other Matters

62. The proposal would provide 19 additional dwellings of a variety of sizes, including 2 bungalows and 2 affordable dwellings. It would make a moderate contribution to housing supply. It would also provide economic benefits both in the short term through the provision of employment opportunities during construction and in the short to long term through spending in the local economy both during construction and afterwards. The proposal would result in the development of an allocated site in an accessible location at a density that makes efficient use of land.
63. Given the scale of the development, I attach moderate weight to the social benefits of the open market housing, to the economic and environmental benefits associated with the proposal and significant weight to the social benefits of providing 2 affordable dwellings. The provision of housing, including affordable housing, also accords with paragraphs 61 and 63 of the Framework which seek to boost the supply of homes and to cater for the housing needs of different groups in the community including those who require affordable housing. It also contributes to the delivery of housing as referred to in the Written Ministerial Statement dated 30 July 2024.
64. A completed UU was submitted after the hearing. As well as securing the provision of affordable housing, it also includes various financial contributions including towards cycleway and junction improvement works. Whilst these contributions are required to comply with policy and to mitigate for the effects of the proposal, they are nevertheless benefits associated with it. I attach moderate weight to the financial contributions for these improvements.
65. Weighed against these benefits is the harm that I have identified that would result from the poor design of the development and its adverse effect on the character and appearance of the area. Additionally the affordable housing would not be sufficiently integrated within the development and future occupiers of it would not be provided with acceptable living conditions having regard to outlook and noise and disturbance. The parking arrangements for one of the affordable dwellings are not acceptable and future occupiers of the wider development would not have sufficient access to children's play areas. The proposal would result in a net loss of biodiversity and the proposed drainage design is not acceptable.

66. I attach significant weight to the harm resulting from the poor design of the proposal, including to living conditions, and to the loss of biodiversity and moderate weight to the harm arising from insufficient access to play areas and uncertainty regarding the proposed drainage design.
67. At the time of determining the application, there was no suggestion that the Council did not have a five year supply of deliverable housing sites. The Council's most up to date, published housing supply data for Barrow is as of 31 March 2023 when the Council stated it had a 5.4 year supply. This was not initially disputed by the appellant.
68. The publication of a new Framework in December 2024 was accompanied by the publication of the New Standard Method for local housing need. The Council is currently considering the implications of this. The appellant considers that it means that the Council cannot demonstrate a five year supply of deliverable housing sites and that the presumption in favour of sustainable development as set out in paragraph 11 of the Framework should apply. Based on the appellant's figures, the Borough of Barrow would have a 1.88 year supply whilst Westmorland and Furness would have approximately 3 years. Westmorland and Furness Council is made up of the former Local Planning Authorities of Barrow, Eden and South Lakeland. The Council area also includes parts of the Lake District and the Yorkshire Dales National Parks.
69. The BBLP, which is the development plan for the former Barrow planning authority was adopted in June 2019 and is now more than five years old. It is not clear from the evidence whether the strategic policies of the other two former local planning authorities that make up the Council are over five years old or not and as such, having regard to paragraph 78 of the Framework, which figures should be used to calculate housing land supply. In addition, the Council states that the new standard methodology includes the areas of the districts within the national parks whereas the Council's 2023 five year supply statement excluded them.
70. Based on the evidence before me, the housing requirement and supply situation for the area is unclear. However, even if I accept the worst case scenario put forward by the appellant that there is a 1.88 year supply for the Borough of Barrow meaning that the policies which are most important for determining the application are out of date, taking the above matters into consideration, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including the particular policies set out in paragraph 11d(ii). This is because although the provision of 19 dwellings would go some way to addressing the significant housing shortfall identified by the appellant, the proposal results in harm relating to a number of matters that I attach significant weight to.
71. As I am dismissing the appeal based on my findings in relation to the main issues, there is no need for me to consider the form and content of the UU insofar as it relates to other matters not already dealt with in my decision as this would not alter the outcome of the appeal.

Conclusion

72. The proposal is contrary to the development plan as a whole. There are no material considerations that indicate that the proposal should be determined otherwise in accordance with the development plan.

73. Therefore, for the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Rawdon Gascoigne	Emery Planning
Alexa Burns	Emery Planning
Liz Kenyon	Ascerta
Robert Bruce	Gadsden Consulting
Mike Peet	Amni Transportation

FOR THE LOCAL PLANNING AUTHORITY:

Maureen Smith	Westmorland & Furness Council
Carolyn Attwood-Parry	Westmorland & Furness Council
Matthew Park	Westmorland & Furness Council
Helen Renyard	Westmorland & Furness Council
Jeremy Hewitson	Westmorland & Furness Council
Matthew Waning	Westmorland & Furness Council
Alistair Blackshaw	Cumbria Council

DOCUMENTS

- HD1 – Appeal Decision Combe House (APP/W0910/W/24/3341921)
- HD2 – Cala Homes judgement [2011] EWHC 97 (Admin)
- HD3 – Updated UU and accompanying note