Planning Inspectorate

Appeal Decision

Site visit made on 7 July 2026

by Carla Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2026

Appeal Ref: 6008089
Land Adj. 10 Fernleigh Close, Tallentire, Cockermouth CA13 0NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission in principle.
- The appeal is made by Mark Kingham against the decision of Cumberland Council.
- The application Ref is PIP/2025/0002.
- The development proposed is permission in principle to construct new dwellings.

Decision

1. The appeal is allowed and planning permission is granted for a maximum of two residential dwellings at land adjacent to 10 Fernleigh Close, Tallentire, Cockermouth CA13 0NS in accordance with the terms of the application, Ref PIP/2025/0002.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework ('the Framework') on 17 August 2026. As the changes may materially affect the main issues in this case, the Council and the appellant were invited to make further comments. Where references are made to the Framework, these are to the policies within the most recent version.

3. The description of the development in the banner heading above was taken from the application form. However, the description of the development in the decision section was taken from the Council's decision notice in the interests of clarity and certainty.

4. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.

5. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

7. The appeal site is located to the southeast of Tallentire village and relates to a parcel of land bound to the northwest by the rear gardens of 9 and 10 Fernleigh Close. Apart from an access track off Fernleigh Close, the remaining sides of the site are bound by open countryside.

8. At the time of my site visit the appeal site contained domestic paraphernalia including, play equipment and small storage sheds. The appellant asserts that it has been used as domestic garden ground for approximately 15 years, yet there is no substantive evidence before me to demonstrate that this is the case. Furthermore, the Council state that there is no planning history for this site. Considering this, I cannot be certain that planning permission has been granted for the change of use of the appeal site to domestic garden ground. Therefore, the appeal site should be considered as being outside of Tallentire.

9. Policy S3 of the Framework applies a presumption in favour of sustainable development. As the appeal site is outside of the settlement, policy S3 stipulates that it should be considered against policy S5 of the Framework. Policy S5 criteria j supports development which would address an evidenced unmet need. This includes instances where the Council cannot demonstrate a five year supply of deliverable housing sites. In this instance, this is on the provision that it would comply with sub criteria i. that it would 'be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure'.

10. The Council have confirmed that it can only demonstrate a 4.6 year supply of deliverable housing sites. Furthermore, the site directly adjoins an existing residential cul-de-sac and is connected to the network of pavements within the settlement. In light of these factors the site is physically well-related to Tallentire. As the scheme seeks permission in principle of a maximum of only two dwellings it could be comfortably accommodated within the settlement as it would increase the number of dwellings within Tallentire by only a small percentage. Given the identified shortfall in the housing land supply and the neighbouring public footpath and road, the site would comply with policy S5 of the Framework., which states that the site should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.

11. The Council identify Tallentire as a Limited Grown Village, reflecting its limited range of services and facilities. Planning Policy SA2 of the Allerdale Local Plan (Part 2) Site Allocations 2018 (LPP2) sets out that proposals outside of settlement boundaries will be supported where it can be demonstrated that it complies with Policy S3 of the Allerdale Borough Council Allerdale Local Plan (Part 1) Strategic and Development Management Policies 2014 (LPP1). Planning Policy S3 identifies that proposals outside of defined settlements will be limited to a number of specific criteria. Based on the evidence before me I am not certain that the proposed housing development would meet any of the criteria listed.

12. Housing development outside of settlements, where there is an identified shortfall in housing land supply, is not included within policy S3 of the LPP1, which is the most important policy concerning this issue. This makes it materially inconsistent with the Framework and therefore out-of-date. While the remainder of the policy is broadly consistent with the Framework, the omission above, which is very much relevant to the issues in this appeal, limits the weight I can give to any conflict with Policy S3.

13. Based on the evidence before me the appeal site is physically well-related to the existing settlement. Furthermore, there is no substantive evidence before me to demonstrate that a suitably designed scheme for two dwellings could not successfully integrate with and enhance the surrounding area.

14. For the reasons detailed above the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development. Therefore, the principle of the development complies with policies S3 and S5 of the Framework and policy S1 of the LPP1 which set a presumption in favour of sustainable development and supports development outside of settlements where it would meet an identified unmet need.

15. Policy S6 of the LPP1 allows small numbers of housing in identified Limited Growth Villages such as Tallentire. Yet, the appeal site has been identified as being outside of the settlement boundary. This policy is therefore not determinative in my assessment of the scheme before me.

16. Policy S5 of LPP1 broadly reflects the Framework in supporting housing development in villages. However, this support is on the provision that the proposed development conforms with all of the policies in the Local Plan as well as a number of specific criteria. In contrast the Framework supports, and affords substantial weight, in favour of development in circumstances such as the scheme before me. The proposal would conflict with policies S3 and S5 of LPP1 and SA2 of LPP2. Still, as these policies are inconsistent with the Framework I afford these conflicts only limited weight.

Other Matters

17. I have carefully considered comments from Bridekirk Parish Council and the concerns raised within representations made by a number of interested parties; some of which have been addressed in my reasoning.

18. Several representations note an absence of detailed information regarding the proposed scheme. However, full details of the proposed scheme are only required as part of the subsequent application for technical details consent. I also acknowledge concerns that the proposal could set a precedent for similar developments and that, as a result of several housing developments, Tallentire has grown in recent years. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

19. Representations have also drawn my attention to incidents of flooding in the area. However, the Council raised no concerns in regard to this matter. Based on the evidence before me the appeal site is within Flood Zone 1 and the Lead Local Flood Authority have advised that, as the appeal site is within an area at risk of surface water flooding, suitable flood resilient measures would need to be included

as part of the subsequent technical details consent. I am satisfied that surface water drainage can be suitably managed in this instance.

20. My attention has also been drawn to potential harm to both highway safety and access to a public footpath as a result of the proposal. Such matters would also be addressed as part of the subsequent application for technical details consent. In the absence of any substantive evidence to demonstrate otherwise, given the quantum of development and the area of the appeal site; there is no clear reason why a scheme for up to two dwellings would harm highway safety or restrict access to the public footpath to a materially harmful degree. I note the Council also has no concerns in regard to these matters.

Conditions

21. As detailed matters will be addressed at the technical details stage, no conditions are imposed on this permission in principle. For clarity, the appellant is advised that, in accordance with Article 7(b) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), the permission is valid for three years from the date of this decision.

Planning Balance and Conclusion

22. The Council is unable to demonstrate a 5 year supply of deliverable housing sites, the proposal is for a small scale housing scheme that is physically well related to the existing settlement. Therefore, the principle of the development falls to be considered against policy S5 of the Framework. In these circumstances, this sets out that planning permission should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies.

23. In the context of the Government objective to significantly boost the supply of homes, even a small scheme of up to two dwellings would make a positive contribution towards housing in the area. Alongside the social and economic benefits associated with the construction and subsequent occupation of the dwellings, these benefits are afforded substantial weight in favour of the proposal.

24. The Council have raised concerns about the potential incompatibility of a residential development and the neighbouring agricultural use. It is acknowledged that a noise or odour assessment has not been submitted in support of the scheme. However, it is common for dwellings to neighbour agricultural uses with no material harm to the living conditions of occupants. Furthermore, there is no evidence before me to suggest that the nature of any existing neighbouring agricultural uses would have a particularly harmful effect on the living conditions of future occupants in relation to air pollution, noise, smell, dust, vibration, light or other pollution. In light of this, I find no conflict with policies S32 of LPP1 and P3 of the Framework. An absence of harm in this regard is a neutral factor weighing neither for nor against the proposal.

25. Based on the evidence before me the only community facility in Tallentire is a public house. There are no other facilities, such as a shop or school, that would meet the day to needs of future occupants. Furthermore, there is no information before me to demonstrate that Tallentire is served by any form of regular public transport. As such, it is highly likely that future occupants would need to rely on the private car in order to meet some of their day to day needs. In light of this the proposal would conflict with both policy S2 of LPP1 and TR3 of the Framework.

Still, the proposed scheme is small and unlikely to generate a significant amount of movement in the context of the area. Furthermore, future occupants would have access to one community facility, a public house, which is a short walk away via a quiet road and pavements. Considering this I afford moderate harm in regard to sustainable transport provision.

26. The proposed development would conflict with Policy S3 of the LPP1. However, the Framework is a material consideration of critical importance, under Policy S5 the benefits and adverse effects are weighed against the national decision making policies. Taken together any adverse effects associated with the development of a small area of open countryside, in this location, would be moderate and insufficient to substantially outweigh the provision of two dwellings which would meet an evidenced unmet need.

27. For the reasons set out above, I conclude that the appeal should be allowed and permission in principle granted.

Carla Livingstone

INSPECTOR