



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: 27 August 2026

Appeal Ref: 6005528

Former Gardens to Knells House, The Knells, Carlisle CA6 4JG

- 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 Kyngesheen Estates Ltd, against the decision of Cumberland Council.
- The application Ref is 24/0230.
- The development proposed is the development of 6 detached dwellings on the former gardens to Knells House.

Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant Kyngesheen Estates Ltd has submitted an application for an award of costs against Cumberland Council; this is subject to a separate decision.

Preliminary Matters

3. The Government published a revised version of the National Planning Policy Framework ('the Framework') on 17 August 2026. I have considered its amendments against the December 2024 version before the parties for their evidence. Although there have been significant amendments to its layout and formatting such that previously cited paragraph references are no longer relevant, other changes are not substantive or determinative to the outcome of this appeal. I have therefore not gone back to the parties to seek any comment.

Main Issue

4. The main issue is whether the proposed development is in a suitable location having regard to the housing policies of the development plan.

Reasons

5. The appeal site is located within The Knells, which is a small settlement, comprising a sporadic group of dwellings, which include barn conversions, in the former garden ground of The Knells country house; a former mansion that is now in use as a residential care home.
6. The proposal is for the erection of six detached dwellings within the former garden ground of The Knells, which is now overgrown. The application site is not on land allocated for housing and as such it falls to be considered against Policy HO 2 of the Carlisle District Local Plan 2015-2030 (CDLP). In order to ensure the delivery of sustainable development and support the vitality of communities the Council supports housing on unallocated sites only where it meets the five criteria listed

under Policy HO 2 of the CDLP. The Council considers that the proposal would conflict with criteria 1,2,3 and 4 of Policy HO 2.

7. Criterion 1 requires that the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement. The proposed scheme comprises six detached dwellings arranged around a central courtyard. This layout is at odds with the established development in the area which is characterised by a more informal organic pattern that reflects incremental development over time. Six additional dwellings would result in a substantial increase in the density of the built environment in the vicinity, the scale of which would not be comfortably accommodated within the existing settlement which, as detailed above, is characterised by development spread over a large area.
8. The number of dwellings proposed, coupled with their more formal layout would not be appropriate addition to the group of dwellings at the Knells in regard to scale, form, function and character of the existing settlement. As such the appeal scheme would conflict with Criterion 1 of Policy HO 2 of the CDLP in this regard.
9. The Council raised no concerns regarding the scale and design of the dwellings themselves. Based on the submitted plans there is no reason to disagree with the Council. However, an absence of harm in this regard is a neutral factor weighing neither for nor against the development. Furthermore, it does not resolve my concerns in regard to the scale and layout of the development as a whole in relation to The Knells.
10. Criterion 2 requires that the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed. There are no community services or facilities within The Knells, such as schools, shops, or public houses that would benefit from additional dwellings within the settlement. Therefore, the proposal would conflict with Criterion 2.
11. Criterion 3 requires that housing development sites on the edge of settlements should be well contained within existing landscape features, be physically connected, integrate with the settlement, and not lead to an unacceptable intrusion into open countryside. There is debate within the main parties in relation to the status of the appeal site. The Council considered it as open countryside and the appellant states that as the appeal site was originally garden ground associated with Knells House it should be considered as previously developed land. Case law¹ has established that land within the curtilage of a permanent structure that is not in a built up area can be considered as previously developed land.
12. The appeal site is a large area of overgrown grasses and weeds with a number of mature trees. The area is not maintained as typical garden ground, and it appears to be separated from Knells House due to past housing developments. Still, there is no evidence before me to suggest that the use of the land has changed, and it is reasonable to consider it as previously developed land.
13. Notwithstanding this, the appeal site is formed of part of a large open area and is not contained within existing landscape features. Furthermore, while the appeal site shared a boundary with existing housing, the development does not integrate with the existing settlement as it forms a separate group with a shared access off

¹ Dartford Borough Council -v- SSCLG and ors. [2017] EWCA Civ 141 (Case No:C1/2016/1664)

the highway. As such the proposal conflicts with Criterion 3. My concerns in regard to this matter are not resolved by proposed boundary treatments or planting. Furthermore, the site is not within a Green Belt therefore Grey Belt considerations do not apply in this instance.

14. Criterion 4 supports housing development rural areas where there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown.
15. As detailed above there are no services in the existing settlement. The closest village is Houghton where there are a number of facilities, including schools, and a village store and post office. This settlement is approximately a 20min walk away, which is a significant distance for children and the elderly. In addition, there is no cycle or footpath for a significant portion of the route linking the appeal site to Houghton; which is also unlit in places. This would make traveling from the appeal site to Houghton unsafe for most pedestrians and cyclists, particularly in the hours of darkness. Although it is acknowledged that there is a pedestrian crossing over the A689, this does not resolve my concerns regarding an absence of a lit footpath for the entirety of the route.
16. In terms of public transport, the supporting information states that there is a bus stop on the A696 close to the appeal site. However, at the time of my site visit I did not see a formal bus stop or sign on the A696 close to the appeal site. There are bus stops in Houghton, but as detailed above there is no pedestrian link from the appeal site to this settlement, which is at least a kilometre away.
17. My attention has also been drawn to a bus service that runs past the appeal site twice a week, but there is no evidence before me that this is a regular or formal arrangement, or that the bus would stop at the appeal site.
18. Based on the evidence before me there are no bus or other public transport links within the group or, bearing in mind a lack of paved footpaths, within an easily walkable distance from the appeal site. It is therefore highly likely that future occupants would access shops, services and facilities by private car rather than walking, cycling or via public transport as part of their everyday life. Therefore, in this instance, it cannot be considered that there is good access from the appeal site to other settlements with services.
19. For the reasons detailed above the proposed development is not in a suitable location having regard to the housing policies of the development plan. Therefore, it would conflict with Policy HO 2 of the CDLP which defines the Council's spatial strategy and supports housing on unallocated sites only in specific circumstances.
20. The requirements of Policy HO 2 are consistent with the Framework, which requires that development proposals that would generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations which are sustainable.

Other Matters

21. I note the content of several letters of support in relation to the proposed scheme, some of the points raised are addressed in the reasons section above. It is acknowledged that the appeal site would be an attractive place to live and the

scheme may provide high quality housing. However, given the scale of the development I afford only limited weight to these benefits which would be largely limited to future occupants. While the appellant and several representations assert that the proposed scheme would improve the appearance of the appeal site, I'm not certain that the development of the site for housing is the only way to achieve this.

22. Several representations highlight the good reputation of the builder, but this is not a planning matter.
23. My attention has been drawn to an approval for the conversion of farm buildings within The Knells to eight dwellings². The conversion of existing buildings brings a different set of considerations when compared to new-build developments. Where sustainable travel requirements are balanced against the benefits of conversion. In addition, based on the evidence before me I am not certain that this scheme was considered against the same development plan, as such I cannot be certain that the circumstances are the same as the scheme before me.
24. I also note planning permission was granted for four dwellings in a rural paddock³. Based on the evidence before me this development site was adjacent to a forthcoming urban fringe development, which future occupants could travel to on foot. This is different to the appeal scheme which is not connected to neighbouring development, or nearby settlements by a suitable footpath.
25. The Government is seeking to significantly boost the supply of housing. It is recognised that small sites can make an important contribution to the Council's housing supply. Although the proposed development is for just six dwellings, this would contribute positively to the Council's housing land supply and would provide social and economic benefits. As a windfall site on what is currently unused garden ground the development would result in a more efficient use of the land. It is also acknowledged that small sites can be delivered quickly and efficiently; and they also support small house building businesses. In this instance the development would provide high quality housing, which is an important factor in addressing climate change. There would also be economic benefits in terms of the generation of economic activity during the construction of the houses and the provision of homes to residents who would contribute to the local economy. Still, due to the small scale of the proposed development, these benefits would be moderate.
26. The Council raised no concerns in regard to the scale and design of the houses themselves, residential amenity, highway safety in regard to the proposed access, trees and nutrient neutrality; as well as the effect of the development on the Hadrian's Wall World Heritage Site buffer zone. Based on the evidence before me I have no reason to disagree with the Council on these matters. Nonetheless, an absence of harm in these respects is a neutral factor weighing neither for nor against the development.
27. Cumulatively, while the other considerations put forward in favour of the proposed development have moderate weight, they do not outweigh the significant harm that would result from the identified conflicts with the Development Plan which includes the requirement that development is located in sustainable locations, with the aim

² 12/0768

³ 20/0692

that future occupants do not rely on the private car and have a genuine choice of transport modes for residents.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
29. For the reasons given above the appeal should be dismissed.

Carla Livingstone

INSPECTOR



Costs 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: 27 August 2026

Costs application in relation to Appeal Ref: 6005528

Former Gardens to Knells House, The Knells, Carlisle CA6 4JG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Kyngesheen Estates Ltd for a full award of costs against Cumberland Council.
- The appeal was against the refusal of planning permission for the development of 6 detached dwellings on the former gardens to Knells House.

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 047¹ of the PPG sets out examples of unreasonable behaviour which may give rise to a procedural award of costs against a local planning authority, including a lack of co-operation with the other party or parties and failure to adhere to deadlines. Paragraph 048² states that, “if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period”.
4. In respect of substantive matters, Paragraph 049³ of the PPG states that “local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals”. It goes on to give examples of such unreasonable behaviour, including “preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations”.
5. In this case the applicant cites both procedural and substantive elements to their claim for an award of costs. The original planning application was submitted in March 2024 and was refused in August 2025, a delay of approximately 17 months.

¹ Reference ID: 16-047-20140306

² Reference ID: 16-048-20140306

³ Reference ID: 16-049-20140306

The applicant also considered that the Officer Report was contradictory in places and the Council failed to determine the appeal in line with previous decisions; this includes proposals for barn conversions within The Knells⁴ and a development at Tarraby⁵. The applicant also states that the Council gave insufficient weight to the use of the appeal site as garden ground and the potential for the appeal scheme to support services between settlements.

6. For the reasons set out in my main appeal decision, I concluded that the Officer Report was not contradictory and that the examples of previous permissions detailed above did not reflect the circumstances of the appeal before me. Also, within the Officer Report the Council gave reasonable consideration to the potential for the development to support/or be supported by services within neighbouring small settlements.
7. The Council assessed the appeal site as open countryside and not garden ground. As detailed in my appeal decision I considered that the appeal site should be considered as garden ground. However, in this instance the current use of the appeal site is not a factor of material relevance when assessing the scheme against the relevant policies in the Development Plan as a whole.
8. Therefore, the Council made a clear case for its position and provided sufficient justification for refusing planning permission. As such, I cannot agree the Council has acted unreasonably in this regard.
9. There was a significant delay between the submission of the planning application and when the decision was issued. However, that is not, in itself, an indication that the Council prevented or delayed development which should clearly have been permitted.
10. The information before me suggests that, following submission, additional information and clarification was required in regard to Highways requirements, nutrient neutrality, and the potential for Great Crested Newts within the appeal site. These can be complex issues and based on the evidence before me there was correspondence back and forward between the applicant and the Council during the course of the application to address these matters.
11. The applicant asserts that the Council caused delays due to a failure to request additional information at the start of the application process; or respond in a timely manner when additional information was provided. However, there is no substantive evidence before me, such as evidence of correspondence between the applicant and the Council, to clearly demonstrate that this was the case.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Carla Livingstone

INSPECTOR

⁴ 12/0768

⁵ 20/0692