

7/2023/4042

TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF GRANT OF PLANNING PERMISSION



Lake District
National Park

To: Mr Andrew Hey
AM Hey FRICS
Springwell House
Kirkby-on-Bain
Woodhall Spa
LN10 6YR

PART 1 - PARTICULARS OF APPLICATION

- | | | |
|---|--|---|
| 1 | Name and address of applicant | Mr Julian Thursz, Standing Stones, Kinniside, Cleator, CA23 3AQ |
| 2 | Date of application | 15 May 2023 |
| 3 | Land to be developed | Standing Stones, Kinniside, Cleator, CA23 3AQ |
| 4 | Development forming the subject of the application | Erection of small wind turbine for generation of electricity for domestic consumption - SD 6 on a 9m mast |

PART 2 - PARTICULARS OF DECISION

IN PURSUANCE of their powers under the Town and Country Planning Act 1990, the Lake District National Park Authority as local planning authority **HEREBY GIVE NOTICE THAT PLANNING PERMISSION** for the development referred to in Part 1 hereof **HAS BEEN GRANTED**.

SAVE as hereunder specified the development shall be carried out and completed in entire accordance with the particulars specified in the application and plans submitted. The development shall be subject to the following conditions:

- 1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:
 - Site Location Plan
 - Proposed Elevations, Ref. 6kW 9m
 - Planning Statement
 - Product Specification SD Wind Energy Planning Support Document
 - SD6 Product Specification

- Bat Survey, prepared by John Temple, dated 20.02.23

REASON: For the avoidance of doubt.

- 3 The turbine hereby permitted shall be finished in black (RAL9005).

REASON: In this location a lighter coloured turbine would contrast more sharply with its surroundings particularly with respect to the trees in the vicinity.

- 4 The Local Planning Authority shall be notified should the turbine fail to produce electricity for supply for a continuous period of 12 months. Unless otherwise agreed in writing by the Local Planning Authority the turbine shall be removed from the site within a period of 3 months from the end of that 12-month period.

REASON: The turbine hereby approved is considered to result in a small degree of landscape harm, which is outweighed by the benefits of producing renewable low carbon energy. In the absence of these benefits the landscape harm, although slight, would no longer be justified.

- 5 Prior to the first use of the turbine hereby permitted, details of any necessary electricity connections to the turbine shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To safeguard the visual amenities of the area in accordance with Policies 05 and 06 of the Lake District National Park Local Plan 2020-2035.



Date: 2 November 2023
MURLEY MOSS, KENDAL

Director of Sustainable Development

Notes and Informatives

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority did not identify problems arising in relation to dealing with the application.

NOTICE

IMPORTANT – This permission refers only to that required under the **Town and Country Planning Act 1990** and does not include any consent or approval under any other enactment or under the building regulations.

Appeals to the Secretary of State

If you are aggrieved by the decision of the Authority to refuse your application or to impose conditions on the permission with which you are dissatisfied, you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. All appeals are handled on behalf of the Secretary of State by the Planning Inspectorate.

If you want to appeal against this decision then you must do so within 6 months of the date of this notice (or such longer period as the Secretary of State may at any time allow), unless:

- The decision relates to the same or substantially same land and development as is already the subject of an enforcement notice in which case, if you want to appeal against the decision, you must do so within 28 days of the date of this notice
- An enforcement notice is served relating to the same or substantially same land and development as in your application in which case, if you want to appeal against the decision, you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier

Although the Secretary of State can allow a longer period for giving notice of an appeal, he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeals must be made electronically. You can find more information online at www.gov.uk/planning-inspectorate or using a form which you can get from the Planning Inspectorate Customer Support Team (0303 444 50 00).

Please note only the applicant possesses the right of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Authority based its decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the National Park Authority. This notice will require the Authority to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.