

7/2021/4076

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANING (PERMISSION IN
PRINCIPLE)(AMENDMENT) ORDER 2017



Lake District
National Park

**NOTICE OF REFUSAL OF CONSENT TO APPLICATION FOR
PERMISSION IN PRINCIPLE**

To: Mr P Boustead,
Lakeland Building Design
El Tipharah
Greysouthen
Cockermouth
CA13 0UF

PART 1 - PARTICULARS OF APPLICATION

1	Name and address of applicant	Mr & Mrs Smith, Thorntrees, Ennerdale, Cleator, CA23 3AR
2	Date of application	5 July 2021
3	Land to be developed	Land adjacent Thorntrees, Ennerdale Bridge, CA23 3AR
4	Development forming the subject of the application	Residential development - agreement in principle application

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
REFUSE PERMISSION** for the development referred to in Part 1 above for the
following reasons:

- 1 The application site is within an area of exceptionally high landscape value given its location in a National Park. The highest level of protection is given to the spectacular landscape of the National Park by development plan policies. Development Plan policies expect that development will conserve and enhance the special qualities of the National Park, including the character of the spectacular landscape. National policies as set out in the National Planning Policy Framework (NPPF) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues.

The proposals would lead to the addition of buildings and an associated access road, driveways, hard landscaping and gardens into an otherwise undeveloped field. The development would be visible to all users of the public road and public footpath that lead past the site and would be prominent from the western entrance to the village. The proposed

development would represent a significant change to the character and appearance of the site at odds with the undeveloped rural nature of the northern side of the road and entrance to the village.

The proposals would therefore erode an important characteristic to the entrance of the village and would fail to reinforce the local character and distinctiveness of the area contrary to Policies 02 (Spatial strategy), 05 (Protecting the spectacular landscape) and 06 (Design and development) of the Lake District National Park Local Plan and the requirements of the National Planning Policy Framework. The harm identified is not outweighed by the provision of housing.

- 2 Policy 15 (Housing) of the Lake District National Local Plan permits new dwellings within the National Park where they contribute to meeting local need or local affordable need. It is not possible to apply conditions, including occupancy conditions, when approving applications for planning permission in principle to secure the dwelling in perpetuity to continue to meet local need as required by Policy 15. In the absence of a local occupancy condition the proposed dwelling would be contrary to Policy 15.



Date: 2 September 2021

MURLEY MOSS, KENDAL

Director of Sustainable Development

Notes and informatives;

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

As the principle of the development is contrary to the development plan, the Local Planning Authority were unable to identify solutions to the problems arising in relation to dealing with the application.

The Authority has reached its decision based upon the following information comprised in the application submission:

- Application form;
- Indicative proposal - Drawing no. 21.07.IP

NOTICE

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.