

Date: 7 September 2022

The logo for Eden District Council features the word "Eden" in a large, elegant serif font. A decorative wavy line is positioned above the letter "E".

District Council

Town Hall, Penrith, Cumbria CA11 7QF

Tel: 01768 817817

Email: ctee.admin@eden.gov.uk

Dear Sir/Madam

Planning Committee Agenda - 15 September 2022

Notice is hereby given that a meeting of the Planning Committee will be held at 9.30 am on Thursday, 15 September 2022 in The Council Chamber, Town Hall, Corney Place, Penrith, CA11 7QF.

1 Apologies for Absence

2 Minutes

To sign the minutes Pla/23/08/22 to Pla/33/08/22 of the meeting of this Committee held on 18 August 2022 as a correct record of those proceedings.

3 Declarations of Interest

To receive any declarations of the existence and nature of any private interests, both disclosable pecuniary and any other registrable interests, in any matter to be considered or being considered.

4 Planning Issues (Pages 5 - 16)

To note the attached lists of the Assistant Director Development.

- a) Applications determined under officer delegated powers for the month of August 2022;
- b) Reasons for refusal and requirement of prior approval on delegated decisions for the month of August 2022

5 Planning Issues - Applications for Debate (Green Papers)

There are no applications for debate due at this meeting of the Planning Committee.

6 Confirmation of Site Visits (if any)

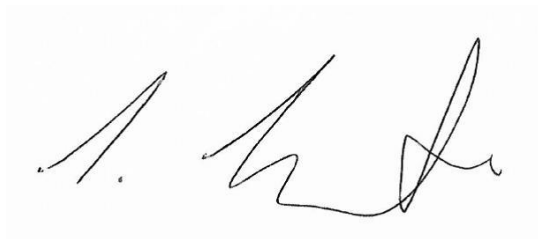
To confirm the date and location of any site visits that may have been agreed.

7 Any Other Items which the Chair decides are urgent

8 Date of Next Meeting

The date of the next scheduled meeting be confirmed as 20 October 2022.

Yours faithfully,



I Frost
Interim Chief Executive

*Democratic Services Contact: Email: cttee.admin@eden.gov.uk
or telephone: 01768 212266

Encs

For Attention

All members of the Council

Chair – Councillor W Patterson (Independent Alliance Group)

Vice Chair – Councillor D Wicks (Conservative Group)

Councillors

I Chambers, Conservative Group
M Eyles, Liberal Democrat Group
M Hanley, Labour Group
D Holden, Liberal Democrat Group
J C Lynch, Independent

E Martin, Independent Group
A Ross, Green Group
H Sawrey-Cookson, Independent Group
G Simpkins, Liberal Democrat Group

Standing Deputies

P G Baker, Liberal Democrat Group
D Banks, Independent Alliance Group
R Briggs, Conservative Group
M Clark, Independent Group
L Harker, Liberal Democrat Group
D Lawson, Green Group

A Meadowcroft, Conservative Group
G Nicolson OBE, Conservative Group
L Sharp, Labour Group
D Smith, Liberal Democrat Group
S Lancaster, Independent Group

Please Note: Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting (unless stated otherwise) and as such could be filmed or recorded by the media or members of the public

PLANNING COMMITTEE

Agenda Item No.

APPLICATIONS DETERMINED UNDER OFFICER DELEGATED POWERS FOR THE MONTH OF AUGUST 2022

App No	App Type	Parish	Description	Location	Applicant	Decision
20/0339	Listed Building	Brough	Listed Building Consent to remove white painted plaster on exterior walls to expose original stone and re-render the walls followed by a hot lime wash	WIEND HOUSE, BROUGH, KIRKBY STEPHEN, CA17 4EJ	Mrs D Beckwith	APPROVED
21/0211	Full Application	Dacre	Erection of a dwelling.	PLOT 6 JOINERS CLOSE, NEWBIGGIN, PENRITH, CA11 0HU	Mr D Richardson	REFUSED
21/0655	Listed Building	Long Marton	Listed Building Consent for re-roofing of dwelling.	BEECH HOUSE, LONG MARTON, APPLEBY-IN-WESTMORLAND, CA16 6BJ	Mrs A Callery	APPROVED
21/0797	Full Application	Warcop	Roof over sheep handling pens.	EASTFIELD FARM, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6PS	W M Heron & Sons Ltd	APPROVED
21/0898	Listed Building	Clifton	Listed Building Consent for the replacement of cement mix pointing with lime mortar and replace render where required.	1 TOWN END FARM COTTAGES, CLIFTON, PENRITH, CA10 2EP	Mr C Beaumont	APPROVED
21/1026	Full Application	Bolton	Variation of condition 2 (plans compliance) to accommodate changes to the designs of the dwellings and to the layout of the site, attached to approval 17/1034.	LAND AT VIOLET BANK FARM, BOLTON, APPLEBY-IN-WESTMORLAND, CA16 6AW	Thornbrook Homes Ltd	APPROVED
21/1089	Full Application	Morland	Erection of single storey rear extension.	11 COBBLESTONE CORNER, MORLAND, PENRITH, CA10 3BG	Mr & Mrs C Tomlin	APPROVED
22/0217	Full Application	Morland	New porch to front elevation.	ROSE HAVEN, MORLAND, PENRITH, CA10 3BP	Mrs Julia Matthew	APPROVED
22/0269	Full Application	Dacre	Variation of condition 2 (plans compliance) for design amendments to plots 1, 2, 27, 28, 29, 30 and 31, attached to approval 17/0150.	LAND TO REAR OF STAYNE GARTH, STAINTON, PENRITH, CA11 0EP	Mr Ross Cowperthwaite - Atkinson Homes Ltd	APPROVED
22/0281	Full Application	Temple Sowerby	New roof over parking area and pair of doors to form garage, and photovoltaic panels on southwest facing slated roof to garden.	MOUNTAIN VILLA, TEMPLE SOWERBY, PENRITH, CA10 1SB	Mr Simon John Prior	APPROVED
22/0297	Full Application	Penrith	Proposed extension of existing industrial unit.	HOWDENS JOINERY, HARTNESS ROAD, PENRITH, CA11 9BD	Mr Stuart Dixon	APPROVED
22/0306	Full Application	Penrith	Retrospective application for installation of solar panels to roof and wall mounted electric car charging point.	4 COLDSPRINGS COURT, PENRITH, CA11 8EX	Mrs D Murray	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0313	Full Application	Kings Meaburn	Installation of 60 panel ground mounted solar array.	BURWAIN HALL, KINGS MEABURN, PENRITH, CA10 3DD	Mr David Stephenson	APPROVED
22/0323	Full Application	Lowther	Replacement of the existing boiler room with a garden annexe, erection of greenhouse and creation of reflection pond.	THORPE GRANGE, HACKTHORPE, PENRITH, CA10 2HT	M Ogle and Z Anderson	APPROVED
22/0324	Listed Building	Lowther	Listed Building Consent for the replacement of the existing boiler room with a garden annexe, erection of greenhouse and creation of reflection pond.	THORPE GRANGE, HACKTHORPE, PENRITH, CA10 2HT	M Ogle and Z Anderson	APPROVED
22/0352	Non-Material Amend	Appleby	Non Material Amendment for a small increase in width for internal piers and height for ridge beam, attached to approval 21/0841.	1 DRAWBRIGGS LANE, APPLEBY-IN-WESTMORLAND, CA16 6HY	Mr Paul Johnson	APPROVED
22/0353	Full Application	Kirkoswald	Eco refurbishment, improved accessibility works and extension to existing dwelling. Re-submission of 21/0843.	LOWFIELD, KIRKOSWALD, PENRITH, CA10 1EW	Mr and Mrs T and K Fetherstonhaugh	APPROVED
22/0372	Full Application	Long Marton	Installation of a bridge to reinstate bridleway access over a Britishy Gypsum conveyer which runs between the mine and factory.	LAND SOUTH EAST OF STAMP HILL, KIRKBY THORE, PENRITH,	Mr J Elvins - British Gypsum	APPROVED
22/0374	Full Application	Penrith	Retrospective installation of pergola and shed.	ACHNAMARA, ARTHUR STREET, PENRITH, CA11 7TX	Mrs Susan Boswell	APPROVED
22/0389	Advertisement	Warcop	Advertisement Consent for an internally illuminated free standing, pole mounted events sign.	WARCOP VILLAGE HALL, WARCOP, CA16 6NX	THE TRUSTEES OF WARCOP HALL	APPROVED
22/0413	Full Application	Milburn	Replacement of conservatory with single storey side and rear extension.	MILBURN GRANGE, KNOCK, APPLEBY-IN-WESTMORLAND, CA16 6DR	Mr and Mrs R Clark - Milburn Grange Cottages	APPROVED
22/0420	Full Application	Penrith	Change of use of summerhouse to mixed use of hair salon and summerhouse.	2 CARLETON HALL ROAD, PENRITH, CA10 2AX	Mrs Deborah Herd	APPROVED
22/0429	Full Application	Warcop	Retrospective change of use of bothy to ancillary annex accommodation, including extensions and repairs and new pedestrian gateway entrance to curtilage wall.	THE COACH HOUSE, EDEN GATE, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6PL	Mrs S O'Gorman	REFUSED
22/0430	Listed Building	Warcop	Listed Building Consent for change of use of bothy to ancillary annex accommodation, including extensions and repairs and new pedestrian gateway entrance to curtilage wall.	THE COACH HOUSE, EDEN GATE, WARCOP, APPLEBY-IN-WESTMORLAND, CA16 6PL	Mrs S O'Gordam	REFUSED
22/0444	Full Application	Great Salkeld	Erection of agricultural storage and livestock shed.	LAND NORTH OF WEST LANE, GREAT SALKELD, PENRITH,	Mr Geoffrey Hay	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0447	Full Application	Alston	Removal of existing porch and stables/storage building and erection of a single storey side extension.	PARKERS HOUSE, ALSTON, CA9 3LD	Mr and Mrs Matt Whindle	APPROVED
22/0455	Tree Works (TPO)	Appleby	"T1 (Lime) – Undertake crown reduction, thinning and reduction in length of lateral branches; T2 (Lime) – Fell"	DOUGLAS HOUSE, BONGATE, APPLEBY-IN-WESTMORLAND, CA16 6HW	Mr T Hill	APPROVED
22/0456	Full Application	Kirkby Stephen	Proposed roof alterations including dormers, to create additional headroom in upper floor.	WEARDALE VILLA, NATEBY ROAD, KIRKBY STEPHEN, CA17 4AJ	Mr Steve Sykes	APPROVED
22/0458	Tree Works (TPO)	Kirkby Stephen	Fell 1 no. Ash protected by Tree Preservation Order ref. TPO169	41 BIRKBECK GARDENS, KIRKBY STEPHEN, CA17 4TH		APPROVED
22/0459	Full Application	Crosby Ravensworth	Private forestry road.	LAND EAST OF C3056, MORLAND BANK, MAULDS MEABURN, PENRITH,	Mr Charles Lowther	APPROVED
22/0460	Full Application	Appleby	Insertion of rear patio doors and addition of decking and flue.	78 BARROWMOOR ROAD, APPLEBY-IN-WESTMORLAND, CA16 6SB	Mr Alistair McCourt	APPROVED
22/0465	Full Application	Skelton	Installation of solar photovoltaic panels in field adj to dwelling.	RAINCOCKS BARN, SKELTON, PENRITH, CA11 9UA	Dr N Horn	APPROVED
22/0468	Full Application	Great Salkeld	2no replacement bungalows.	1-2 THE BUNGALOW, INGLEWOOD BANK, PENRITH, CA11 8RZ	Ms Cleone Harrison	APPROVED
22/0475	Tree Works (TPO)	Kirkby Stephen	Fell 3no Larch, 1 no Spruce and 4 no Sycamore protected by TPO182	14 CHARTER GARDENS, KIRKBY STEPHEN, CA17 4EP	Mr Tim Verrall	APPROVED
22/0479	Tree Works (CA)	Appleby	Conservation Area tree works: (1) Conifer and (2) Pine Tree to be felled.	THE CROFT, LOW WIEND, APPLEBY-IN-WESTMORLAND, CA16 6QP	Mr D Wappet	APPROVED
22/0481	Full Application	Alston	Retrospective application for replacement uPVC windows.	NORTH VIEW, OVERBURN, ALSTON, CA9 3SH	Dr J Clapp	APPROVED
22/0482	Full Application	Brough	Proposed replacement garage.	FORMER GARAGE, BACK LANE, BROUGH, KIRKBY STEPHEN, CA17 4DU	Mrs and Mrs M Birkbeck	APPROVED
22/0485	Reserved by Cond	Langwathby	Discharge of condition 2 (CCTV and lighting scheme), attached to approval 21/0879.	BUILDING AND LAND AT LANGWATHBY HALL, LANGWATHBY, PENRITH, CA10 1LW	Mr Jordan Rutter-Armstrong	APPROVED
22/0487	Full Application	Penrith	Change of use from Sui Generis to Class E.	FORMER P F & K SALES ROOM, SKIRSGILL, PENRITH, CA11 0DN	Mrs Lynn Scoobie-Youngs	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0491	Tree Works (CA)	Appleby	Conservation Area Tree Works: Sycamore T1, Prune west side of side of crown overhanging house by approx 3 meters.	14 MURTON VIEW, APPLEBY-IN-WESTMORLAND, CA16 6RF	Mr George A Shaw	APPROVED
22/0492	Full Application	Appleby	Proposed two storey rear extension.	5 OVERWOOD PLACE, APPLEBY-IN-WESTMORLAND, CA16 6RN	Mr & Mrs J Eggleston	APPROVED
22/0493	Full Application	Dufton	Installation of 22 panel ground mounted solar array in field.	TOWNHEAD FARM, MURTON, APPLEBY-IN-WESTMORLAND, CA16 6NF	Neil Wright	APPROVED
22/0501	Full Application	Hunsonby	Single storey extension to front and side elevations.	1 CROSSFELL VIEW, WINSKILL, PENRITH, CA10 1PD	Mr and Mrs Brian Atkinson	APPROVED
22/0502	Full Application	Penrith	Alterations to building and elevations to include re-cladding.	FORMER KFC FIELDROSE HOUSE, BRIDGE LANE, PENRITH, CA11 8JB	TH UK & Ireland Ltd	APPROVED
22/0504	Tree Works (CA)	Penrith	Conservation area tree works: T1 - Laurel shrub, reduce height to 1.5 metres. T2 - Sycamore, growing very close to the property and previously heavily reduced - Fell. T3 - Weeping Ash - Fell. T4 - Leylandii, leaning - Fell. T5 - Laburnum, leaning - Fell. T6 - Gingko - Fell.	Beck House, Watson Terrace, Penrith, CA11 7ND	Dr Satya Patel	APPROVED
22/0511	Full Application	Hesket	Proposed general purpose/crop/machinery store.	BECK HOUSE, SOUTHWAIT, CARLISLE, CA4 0PY	Messrs J H Mitchinson - Mr Howard Mitchinson	APPROVED
22/0513	Full Application	Hesket	Proposed slurry store.	BECK HOUSE, SOUTHWAIT, CA4 0PY	Messrs J H Mitchinson - Mr H Mitchinson	APPROVED
22/0514	Notice of Intention	Cliburn	Permitted Development Prior Notification for an agricultural storage building.	THE ASHES, CLIBURN, PENRITH, CA10 3AL	Mr Graham Lund	APPROVED
22/0515	Notice of Intention	Sleagill	Permitted Development Prior Notification to roof over existing silage clamp.	WHITESTONE FARM, NEWBY, PENRITH, CA10 3HB	Mr Richard Drake	APPROVED
22/0516	Full Application	Sleagill	Roof over existing slurry store.	WHITESTONE FARM, NEWBY, PENRITH, CA10 3HB	Mr Richard Drake	APPROVED
22/0519	Advertisement	Penrith	Advertisement Consent for 1no internally illuminated welcome totem sign, 1no internally illuminated height limiter sign, 4no internally illuminated information signs and 7no illuminated fascia signs.	FORMER KFC FIELDROSE HOUSE, BRIDGE LANE, PENRITH, CA11 8JB	TH UK & Ireland Ltd	APPROVED
22/0521	Full Application	Hesket	Proposed extension to existing cottage. Re-submission of 22/0084.	THE OLD LODGE, BROADFIELD, SOUTHWAIT, CARLISLE, CA4 0LR		APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0526	Full Application	Glassonby	Change of use of short-term holiday letting accommodation to provide ancillary residential accommodation to be occupied in association with Old Mill House.	OLD MILL HOUSE BARN, GAMBLESBY, PENRITH, CA10 1HY	Mr and Mrs A Nash	APPROVED
22/0527	Tree Works (CA)	Penrith	Tree works in a conservation area - Fell Silver Birch.	43 WORDSWORTH STREET, PENRITH, CA11 7QY	Christel Bertrand	APPROVED
22/0528	Full Application	Appleby	Change of use from class E to Sui Generis dog grooming salon.	4 MARKET ARCADE, BOROUGHGATE, APPLEBY-IN- WESTMORLAND, CA16 6YA	Appleby Town Council - S Gilbertson	APPROVED
22/0531	Full Application	Ousby	Creation of covered feed passage between buildings for livestock.	SHIRE LODGE, OUSBY, PENRITH, CA10 1PT	Mr Thomas Dixon	APPROVED
22/0532	Full Application	Penrith	Variation of condition 2 (plans compliance) to change the type and colour of the cladding, attached to approval 21/1045.	AGRICOLA HOUSE, COWPER ROAD, PENRITH, CA11 9BN	GenR8 North Ltd - Mr M Walker	APPROVED
22/0540	Reserved by Cond	Culgaith	Discharge of condition 3 (construction environmental management plan), attached to approval 21/0476.	GREGS HUT, PENNINE WAY, KIRKLAND, PENRITH,	Mr D Hoorat	APPROVED
22/0542	Tree Works (TPO)	Kirkby Stephen	Works to trees subject to TPO No. 183, 2017 - T1 Sycamore: Crown reduce south side by 3-4m and crown lift 10m. T2 Sycamore - reduce south side by 3-4m. T3 Lime - remove first two branches on south side. T4 Beech - Crown reduce south side by 4-5m. T5 Horse Chestnut - Crown reduce south side by 3-4m and crown lift 8m. Works to increase light levels to no.40 South Road.	GREY GABLES, SOUTH ROAD, KIRKBY STEPHEN, CA17 4SN	Mr Andrew Whitworth - Lowther Forestry Group Ltd	APPROVED
22/0555	Notice of Intention	Winton	Permitted Development Prior Notification for an extension to an agricultural building.	WINDYGATE, WINTON, KIRKBY STEPHEN, CA17 4HL	Mr M Allinson	APPROVED
22/0559	Tree Works (CA)	Milburn	Conservation Area Tree Works: Fell 1no. Silver Birch Tree.	CROWDUNDE, MILBURN, PENRITH, CA10 1TN	Mr Roger Atkinson	APPROVED

App No	App Type	Parish	Description	Location	Applicant	Decision
22/0560	Tree Works (CA)	Penrith	Conservation area tree works: 1) Cypress in decline, fell to stump. 2)Gum. Target prune 1x limb to improve view of Fir - remove small diameter low lateral. 3) Laurel shrub, sensitive target pruning to reshape. 4) Fruit trees x2, Reduction (targeted) to reshape and crown clean Crab Apple and Plum. 5) Elm, reduce by height and spread by up to 1/3rd. Reduce height by 1-2 meters, spread by 2-3 meters leaving a finished height of 5-7 meters and spread of 6-7 meters. 6) Holly, reduce to create crown separation and frame rear Beech (neighbouring). 7) Pear, Reduce lateral growth of 2/3 lowest branches to reduce loading. Reduce each by approx 1 meter max. 8) Silver Birch, Crown reduce by 3-4 meters in height and 2-3 meters spread. Leaving a finished height of 14-16 meters and spread of 7-9 meters. 9) Beech, Fell to stump. 10) Hornbeam shrub, reduce by up to 1/3rd. 11) Beech and Laburnum, Target prune for stability and separation whilst maintaining weep as best as possible.	APPLEGARTH, NICHOLSON LANE, PENRITH, CA11 7UL	Mrs Maureen Ward	APPROVED
22/0561	Full Application	Hunsonby	Discharge of conditions 7 (construction vehicle parking) and 8 (surface water drainage scheme), attached to approval 20/0658.	LAND SOUTH OF BEACON VIEW, LITTLE SALKELD, PENRITH, CA10 1NN	Ms Jenna Curwen	APPROVED
22/0562	Notice of Intention	Skelton	Permitted Development Prior Notification for a steel framed roof over existing concrete midden.	SOUTHVIEW FARM, ELLONBY, PENRITH, CA11 9SJ	Mr William Wilson	APPROVED
22/0574	Tree Works (CA)	Penrith	Conservation area tree works: Removal to ground level 1x multi-stemmed Cypress.	53 Arthur Street, Penrith, CA11 7TU		APPROVED

In relation to each application it was considered whether the proposal was appropriate having regard to the Development Plan, the representations which were received including those from consultees and all other material considerations. In cases where the application was approved the proposal was considered to be acceptable in planning terms having regard to the material considerations. In cases where the application was refused the proposal was not considered to be acceptable having regard to the material and relevant considerations. In all cases it was considered whether the application should be approved or refused and what conditions, if any, should be imposed to secure an acceptable form of development.

Notice of Decision

The logo for Eden District Council features the word "Eden" in a large, elegant serif font. A stylized, wavy line representing a river or stream flows through the letter "E".

District Council

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

To: Alastair Davis - A and J Davis
4 Castle View Road
Appleby
Cumbria
CA16 6HH

*Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015*

Application No: 22/0429
On Behalf Of: Mrs S O'Gorman

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application
Proposal: Retrospective change of use of bothy to ancillary annex accommodation, including extensions and repairs and new pedestrian gateway entrance to curtilage wall.
Location: THE COACH HOUSE EDEN GATE WARCOP APPLEBY-IN-WESTMORLAND CA16 6PL

The reason(s) for this decision are:

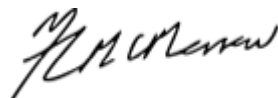
1. The unsympathetic design, materials and fenestration proposed in the extensions to, and renovation of the building, fail to conserve, and would result in substantial harm to the character of this historic curtilage listed building and its setting, and would actively detract from its heritage value. The submitted Heritage Asset Statement fails to adequately assess the heritage significance of the building, or the effect of the proposed works on it, and there is no clear and convincing justification for the harm caused by the proposal. As such, the proposal is contrary to Policies DEV5 and ENV10 of the Eden Local Plan.
2. The new pedestrian access onto Ravelands Brow does not allow for any inter-visibility between its users and users of the highway and as such will cause a serious highway safety concern, contrary to the requirements of Policy DEV3 of the Eden Local Plan.
3. The application is for overnight accommodation within the River Eden catchment, which Natural England has deemed shall require a Nutrient Neutrality calculation to assess the level of phosphorus output from the proposed development, and to identify any required mitigation, prior to the granting of planning permission. This has not been carried out, and as such the application has not demonstrated Nutrient Neutrality. In the absence of any such supporting information, the scheme fails to comply with Policy ENV1 of the Local Plan and the requirements of the Conservation of Species and Habitats Regulations 2017, since it cannot be determined that the proposed development could be carried out without

further detracting from the unfavourable status of the River Eden catchment and contributing to further loss of biodiversity.

Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 11 August 2022

Signed:

A handwritten signature in black ink, appearing to read 'Fergus McMorrow', written in a cursive style.

**Fergus McMorrow BA (Hons)
Assistant Director Planning and Economic Development**

Notice of Decision

The logo for Eden District Council features the word "Eden" in a large, elegant serif font. A stylized wavy line, resembling a river or a decorative flourish, is positioned behind the letter 'E' and extends to the left.

District Council

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

To: Alastair Davis
4 Castle View Road
Appleby
Cumbria
CA16 6HH

Town and Country Planning Act 1990

Application No: 22/0430
On Behalf Of: Mrs S O'Gordam

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE listed building consent for the works described in your application and on the plans and drawings attached thereto, viz:

Application Type: Listed Building
Proposal: Listed Building Consent for change of use of bothy to ancillary annex accommodation, including extensions and repairs and new pedestrian gateway entrance to curtilage wall.
Location: THE COACH HOUSE EDEN GATE WARCOP APPLEBY-IN-WESTMORLAND CA16 6PL

The reason(s) for this decision are:

1. The unsympathetic design, materials and fenestration proposed in the extensions to, and renovation of the building, fail to conserve, and would result in substantial harm to the character of this historic curtilage listed building and its setting, and would actively detract from its heritage value. The submitted Heritage Asset Statement fails to adequately assess the heritage significance of the building, or the effect of the proposed works on it, and there is no clear and convincing justification for the harm caused by the proposal. The proposal is therefore considered to be contrary to policies ENV10 of the Local Plan, Section 16 of the NPPF and the requirements of the Listed Building and Conservation Areas Act 1990.

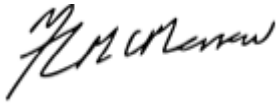
Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 11 August 2022

Signed:

www.eden.gov.uk Fergus McMorro BA (Hons)
Assistant Director Planning and Economic
Development





Fergus McMorrow BA (Hons)
Assistant Director Planning and Economic Development

Notice of Decision



District Council

Mansion House, Penrith, Cumbria CA11 7YG
Tel: 01768 817817

To: Manning Elliot Architects
4A Manelli House
Cowper Road
Penrith
Cumbria
CA11 9BN

*Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) Order 2015*

Application No: 21/0211
On Behalf Of: Mr D Richardson

In pursuance of their powers under the above Act and Order, Eden District Council, as local planning authority, hereby REFUSE full planning permission for the development described in your application and on the plans and drawings attached thereto, viz:

Application Type: Full Application
Proposal: Erection of a dwelling.
Location: PLOT 6 JOINERS CLOSE NEWBIGGIN PENRITH CA11 0HU

The reason(s) for this decision are:

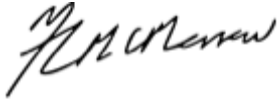
1. The proposed development's internal floor space is in excess of the 150m² stipulated in Policy HS2 for development within 'Smaller Villages and Hamlets' and therefore fails to comply with the second criterion of Local Plan Policy HS2.
2. It is not possible to determine whether the applicant would be able to meet the local occupancy clause. Policy HS2 requires that new dwellings on greenfield sites in the Smaller Villages and Hamlets shall be subject to a local occupancy condition. Without such a restriction, any permission would be contrary to policy. Since the applicant may not be able to meet the requirements of a local occupancy condition, any grant of conditional permission may be challenged and be found to be unreasonable. The application cannot therefore be determined to meet the local occupancy requirements of Policy HS2.
3. The proposed dwelling would have an unacceptable impact upon the amenity of residents of No. 5 Joiners Close as a consequence of an overbearing impact resulting in a loss of light and outlook to first floor habitable window openings due to the substandard separation distance, contrary to the requirements Local Plan Policy DEV5.
4. Policy ENV1 of the Local Plan requires that new development shall avoid any net loss of biodiversity. New development within the catchment area of the River Eden Special Area of Conservation is now required to mitigate any additional nutrient loading from wastewater to achieve nutrient neutrality. No evidence has been provided as to the additional nutrient load on the River Eden catchment arising from the development or how

it would be mitigated, and as such the development cannot be deemed to meet the requirements of Policy ENV1

Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.

Date of Decision: 30 August 2022

Signed:

A handwritten signature in black ink, appearing to read 'Fergus McMorrow', written in a cursive style.

Fergus McMorrow BA (Hons)
Assistant Director Planning and Economic Development