

Conservation Area Tree Work Notification Notice of Decision



District Council

Town Hall, Penrith, Cumbria CA11 7QF
Tel: 01768 817817

Email: loc.plan@eden.gov.uk
Direct dial: (01768) 212159

To: Mr & Mrs Wilson
Midtown Farm
Gamblesby
Penrith
CA10 1HR

Application Ref: 20/0331

***Town and Country Planning Act 1990
Town and Country Planning (Trees) Regulations 2010***

Conservation Area: Gamblesby

I refer to your notification to carry out the following tree work at Midtown Farm
Gamblesby Penrith, within the Gamblesby Conservation Area:

Fell large Sycamore tree.

DECISION: In pursuance of their powers under the above Act and Regulations, Eden District Council, as local planning authority, hereby REFUSE permission for the tree work proposal described in your application and on the plans and drawings attached thereto. The reason(s) for this decision are:

The removal of this tree will potentially have a detrimental effect upon the local landscape therefore a provisional Tree Preservation Order is to be served to protect the sycamore T1 until a full and appropriate assessment can be undertaken. Any proposed work to the sycamore T1 will therefore require an application under the TPO, the Council will have to make a decision whether or not to confirm the TPO within six months of serving otherwise the protection will lapse.

The Council has therefore decided to serve a Tree Preservation Order.

A handwritten signature in black ink, appearing to read "O Shimell".

Oliver Shimell LLB
Assistant Director Planning and Economic Development

Date of Decision: 1 July 2020

Notice of Decision



To: Phi Architects - Ms Sara Darwin
31 Hawthorn Grove
Heaton Moor
Stockport
SK4 4HZ

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

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

Application No: 20/0270
On Behalf Of: Ms D Selby

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: Dwelling on the site of a pole barn, including associated parking, vehicular and pedestrian access, storage, landscaping and habitat features.
Location: LOWER TODHILLS POLE BARN LOWER TODHILLS MELMERBY PENRITH CA10 1HP

The reason(s) for this decision are:

- The development is considered to be unacceptable on the grounds that the proposal conflicts with the spatial planning policies of the Council. The application does not meet the criteria required for development in 'Other Rural Areas' which are restricted to the re-use of traditional buildings, the provision of affordable housing as an exception to policy only, or where the proposal accords with other policies in the Local Plan. The development is an isolated dwelling in the open countryside without any planning justification. The proposal is therefore considered to be contrary to Policy LS1 of the Eden Local Plan 2014-2032.
- The proposal is not in accordance with the National Planning Policy Framework (paragraph 79) which only supports isolated dwelling houses where 'the design is of exceptional quality'. Although, the new dwelling is of a high quality design, it is not of an exceptional quality that is truly outstanding or innovative, reflecting the highest standards in architecture.
- The application site is occupied by a traditional agricultural building which is of an appropriate design, scale and form within its rural setting. The replacement of the building with a domestic building will not conserve or enhance the rural landscape character and function. The proposal is therefore considered to be contrary to Policies

DEV5 and ENV2 of the Eden Local Plan 2014-2032 and paragraph 79 of the National Planning Policy Framework.

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: 16 July 2020

Signed:

A handwritten signature in black ink, appearing to read 'O Shimell', is written over a light grey rectangular background.

Oliver Shimell LLB
Assistant Director Planning and Economic Development

Notice of Decision



To: Dr S Patel
32 Stricklandgate
Penrith
CA11 7NH

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

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Application No.: 20/0311
On Behalf Of: Dr S Patel

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

Application Type: Advertisement
Proposal: Advertisement Consent for 1no wall banner.
Location: 32 STRICKLANDGATE PENRITHCA11 7NH

The reason(s) for this decision are:

The proposed advertisement fails to adhere with the development plan by reason of its size, location and the finishing material, and therefore as a result, would not conserve or enhance the character and appearance of the conservation area and would have a significant adverse impact on the grade II listed building, contrary to the aims of Policies DEV5, EC5 and ENV10 of the Eden Local Plan.

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: 24 July 2020

Signed:

A handwritten signature in black ink, appearing to read "O Shimell", written over a light blue rectangular background.

Oliver Shimell LLB

Assistant Director Planning and Economic Development

Notice of Decision



To: Mr M Dixon
2 MELBOURNE COTTAGE THACKA LANE
PENRITH
CA11 9NG

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

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

Application No: 20/0261
On Behalf Of: Mr M Dixon

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 from residential to a mixed use comprising of residential, car servicing and repairs.
Location: 2 MELBOURNE COTTAGE THACKA LANE PENRITH CA11 9NG

The reason(s) for this decision are:

- i) The proposal represents an incongruous and inappropriate use type for a rural area location, contrary to Policy LS1 of the Eden Local Plan.
- ii) The proposal would result in an increased risk to the safety of highway users on the Public Rights of Way Network, contrary to Policies DEV3 and EC3 of the Eden Local Plan and paragraph 109 of the NPPF.
- iii) The proposal has failed to demonstrate that appropriate levels of residential amenity can be preserved for existing and future residents of neighbouring properties contrary to Policies DEV5, ENV9 and EC3 of the Eden Local Plan.
- iv) The applicant has failed to demonstrate or justify that the benefits of this proposal outweighs the harm that would be caused, contrary to Policy EC3 of the Eden Local Plan.

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: 29 July 2020

Signed:

A handwritten signature in dark ink, appearing to read 'O Shimell', is written over a light blue horizontal line.

Oliver Shimell LLB
Assistant Director Planning and Economic Development