

# Notice of Decision



To: Addis Town Planning Ltd - Mr D Addis  
Greengage House  
Little Salkeld  
Penrith  
CA10 1NN

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

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

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Application No: 20/0788  
On Behalf Of: Mr S 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: Removal of condition 3 (ancillary accommodation restriction), attached to approval 18/1017.  
Location: GARDEN COTTAGE. THE OLD VICARAGE EDENHALL PENRITH CA11 8SX

The reason(s) for this decision are:

The application site remains integrally linked to The Old Vicarage, and an unfettered occupation of the site would result in unacceptable standards of overlooking and privacy, with no direct access to the site and annex without entering the wider property of The Old Vicarage. The proposal fails to protect the privacy of both the future unfettered occupants of the application site and occupants of The Old Vicarage, resulting in unacceptable standards of residential amenity, contrary to policy DEV5. Furthermore, the unfettered occupation through the removal of planning condition 3 would be contrary to policy HS2, which stipulates that new residential properties on greenfield sites in small villages/hamlets should be occupied by residents meeting the local connection criteria.

Note to developer:

Informatives:

1) This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek formal pre application advice from the planning department of Eden District Council through their pre application advice service. For further information on seeking pre application advice visit <http://www.eden.gov.uk/planning-and-development/planning/advice-before-making-a-planning-application/>.

2) Please note that if your property is a listed building or within a conservation area then any replacement windows or doors cannot be carried out under a competent person scheme and you must notify the Council's Building Control team directly at [building.control@eden.gov.uk](mailto:building.control@eden.gov.uk)

*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: 10 December 2020

Signed:

A handwritten signature in black ink, appearing to read 'O Shimell', is positioned above the printed name.

Oliver Shimell LLB  
Assistant Director Planning and Economic Development

# Notice of Decision



To: Addis Town Planning Ltd - Mr D Addis  
Greengage House  
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Penrith  
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Mansion House, Penrith, Cumbria CA11 7YG  
Tel: 01768 817817

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

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Application No: 20/0789  
On Behalf Of: Mr S 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: Removal of condition 3 (ancillary accommodation restriction), attached to approval 15/0609.  
Location: SUMMERHOUSE COTTAGE THE OLD VICARAGE EDENHALL  
PENRITH CA11 8SX

The reason(s) for this decision are:

The application site remains integrally linked to The Old Vicarage, and an unfettered occupation of the site would result in unacceptable standards of overlooking, privacy and residential amenity, with no direct access to the site and annex without entering the wider property of The Old Vicarage. The proposal fails to protect the privacy of both the future unfettered occupants of the application site and occupants of the property to the south east, and the gross internal floorspace is too small to achieve the minimum habitable requirements for unfettered occupation, resulting in unacceptable standards of residential amenity, contrary to policy DEV5. Furthermore, the unfettered occupation through the removal of planning condition 3 would be contrary to policy HS2, which stipulates that new residential properties on greenfield sites in small villages/hamlets should be occupied by residents meeting the local connection criteria.

## Informatives

1) This property is within a Conservation Area. All building works should, therefore, be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out, you should seek formal pre application advice from the planning department of Eden District Council through their pre application advice service. For further information on seeking pre application advice visit

<http://www.eden.gov.uk/planning-and-development/planning/advice-before-making-a-planning-application/>.

2) Please note that if your property is a listed building or within a conservation area then any replacement windows or doors cannot be carried out under a competent person scheme and you must notify the Council's Building Control team directly at [building.control@eden.gov.uk](mailto:building.control@eden.gov.uk)

*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: 10 December 2020

Signed:

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

Oliver Shimell LLB  
Assistant Director Planning and Economic Development

# Notice of Decision



To: Addis Town Planning Ltd - Mr D Addis  
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Tel: 01768 817817

*Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) Order 2010  
Town and Country Planning (General Permitted Development) Order 2015*

*Determination of Local Planning Authority as to whether the prior approval of the authority  
is required for the below development*

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Application No.: 20/0849  
On Behalf Of: Lowther Estate Trust  
Proposal: Proposed change of use including partial demolition of agricultural  
building to create 4No. dwellinghouses.  
Location: YANWATH HALL YANWATH PENRITH CA10 2LF

Under the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, I hereby confirm that this Authority has made the following determination:

**THAT THE PRIOR APPROVAL OF THE AUTHORITY IS REQUIRED. THE AUTHORITY REFUSES TO APPROVE THE DETAILS SUBMITTED FOR THE FOLLOWING REASON(S):**

The Local Planning Authority has concluded that prior approval is required and is hereby **REFUSED** for the following reason(s) :

1) The proposal does not comply with Q (b) and accordingly Q.1 (i) as the building operations, including significant demolition, are not considered to be reasonably necessary for conversion and would be tantamount to a significant rebuild due to the extensive nature of the work proposed to the existing structure.

Date of Decision: 21 December 2020

Signed:

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

Oliver Shimell LLB  
Assistant Director Planning and Economic Development