

# Notice of Decision



To: Kate Bellwood Associates - Kate Bellwood  
Midtown Farm  
Little Strickland  
Penrith  
CA10 3EG

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: 21/0491  
On Behalf Of: Mr G Hedley

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: Change of use of holiday let to dwelling.  
Location: BRIDGE END COTTAGE EAMONT BRIDGE PENRITH CA10  
2BH

The reason(s) for this decision are:

1. The application site remains integrally linked to Bridge End Cottage, and a permanent residential occupation of the site would result in unacceptable standards of overlooking, privacy and residential amenity to future occupants of the application site. The proposal fails to protect the privacy of the future occupants of the application site due to insufficient separation distance from opposing clear glazed window openings and elevated overlooking of the external garden area as part of the application site, resulting in unacceptable standards of residential amenity. As such, the proposal fails to accord with Policy DEV5 of the Eden Local Plan 2014-32, and is contrary to Section 12 of the National Planning Policy Framework 2018, in particular paragraph 127, which states 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'.

*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: 12 July 2021

Signed:

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

Oliver Shimell LLB  
Assistant Director Development

# Tree Preservation Order Notice of Decision



To: Sylvia Mallinson  
31 CUMBERLAND CLOSE  
CLIFTON  
PENRITH  
CA10 2EN

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

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

**Application Ref: 21/0588**

***Town and Country Planning Act 1990***

***Town and Country Planning (Trees) Regulations 1999, 2008 and 2012***

***Tree Preservation Order Application To Carry Out Works To Protected Trees***

I refer to your application dated 23 June 2021 to carry out work to a tree(s) protected within the above Order at 31 Cumberland Close Clifton Penrith:

## **Works to Sycamore subject to a TPO.**

**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:

1. The proposed pollarding works are excessive and contrary to current best practice as defined in section 7 British Standard BS 3999:2010 Tree works – Recommendations.
2. The proposed works will result in excessively large wounds and a substantial loss of leaf are adversely affecting the physiological condition of the tree leading to its early decline and death.
3. The proposed works will result in a tree of a much reduced size and unnatural form negatively affecting the visual amenity of the location and its enjoyment by the public.
4. The removal of epicormic shoots has consent by virtue of the decision associated with application 18/0953, which is sufficient to reduce the problems being experienced due to the epicormic shoots and remains extant.

## **Your Right of Appeal**

If you disagree with the decision of the Council or the attachment of any conditions you can appeal to the Secretary of State for the Environment via the Planning Inspectorate. All appeals must be made in writing within 28 days from the date you receive the Council's decision. The Secretary of State has the discretion to allow a longer period.

Appeals are handled by the Planning Inspectorate (PINS). The 1999 Regulations have been amended so that as from 1 October 2008 a fasttrack appeal procedure replaces the previous handling of appeals through the submission of written representations. In practice most cases will therefore be dealt with on the basis of the original application

and its supporting information, the decision of the LPA and the reasons they gave when making that decision. The inspector may, however, ask for further information. Either party may if they wish have the appeal dealt with at a hearing or public local inquiry.

When giving notice of appeal to PINS, the appellant must at the same time send a copy of that notice to the Council that made the original decision.

Appeals should be sent in writing to:

The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges,  
Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol  
BS1 6PN

Tel: 0303 444 5000

e-mail: [environment.appeals@pins.gsi.gov.uk](mailto:environment.appeals@pins.gsi.gov.uk)

Web: [www.planning-inspectorate.gov.uk/pins/appeals/tree\\_preservation/index.htm](http://www.planning-inspectorate.gov.uk/pins/appeals/tree_preservation/index.htm)

### **Compensation**

If you suffer any loss or damage as a direct consequence of the decision made by the Council, or by the attachment of any conditions, you may be entitled to recover from the Council compensation in respect of such loss or damage. If you wish to make a claim you must do so within 12 months from the date of this decision. Claims should be submitted in writing to: Head of Planning Services, Eden District Council, Mansion House, Penrith CA11 7YG.



Oliver Shimell LLB

Assistant Director Development

**Date of Decision: 23 July 2021**

# Notice of Decision



To: Mr A Thompson  
Hewer Hill Farm  
Hesket Newmarket  
Wigton  
CA7 8HZ

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: 21/0209  
On Behalf Of: Mr A Thompson

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: Change of use of agricultural land for the siting of 4 static holiday accommodation huts and 2 No. caravan pitches, change of use of stable block to shower and toilet facilities, installation of sewerage treatment plant, associated works and creation of new access track  
Location: CHERRY TREES HESKET NEWMARKET WIGTON CA7 8HZ

The reason(s) for this decision are:

1. The proposed holiday accommodation site and access track occupies a prominent elevated location within the rural countryside landscape, without hedgerows or trees to provide any meaningful screening of the site from wider public view. These developments, structures and associated domestic paraphernalia would cumulatively appear incongruent and conspicuous due to the sloping topography and lack of screening when viewed within the context of the wider open countryside area. The domestication of this plot visible from public vantage points at both close proximity and from wider visual aspects would harm the surrounding rural landscape and detract from this setting. The proposal fails to protect or enhance the district's distinctive rural landscape, and it therefore conflicts with Policies EC4, DEV5 and ENV2 of the Eden Local Plan 2014-32, and is contrary to Sections 12 and 15 of the National Planning Policy Framework 2021, in particular paragraphs 130 and 174.
2. The proposal has failed to demonstrate a suitable site vehicular access, parking provision, access track and visibility splays necessary to avoid any unacceptable impacts upon highway safety and local traffic conditions. As such, the proposal is contrary to Policies EC4 and DEV3 of the Eden Local Plan 2014-32 and Section 9 of the National Planning Policy Framework 2021, in particular paragraphs 110 and 111.

*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.*

**www.eden.gov.uk** Oliver Shimell LLB  
Assistant Director Development



Date of Decision: 29 July 2021

Signed:

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

Oliver Shimell LLB  
Assistant Director Development