

# Notice of Decision



To: Ms C Fanshawe  
1 Townhead Cottages  
Newby  
Penrith  
CA10 3EX

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: 22/0031  
On Behalf Of: Ms C Fanshawe

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 from agricultural land to residential garden.  
Location: 1 TOWNHEAD COTTAGES NEWBY CA10 3EX

The reason(s) for this decision are:

That the application is REFUSED for the following reason:-

1) The proposed change of use applies to a substantial parcel of land which is distinctly agricultural in character and forms an important visual break between the settlement of Newby and the surrounding rural landscape. The proposed use could result in a large, visually prominent tract of land being used in a domestic context, including the domestic paraphernalia one would normally expect in a garden, which would be inappropriate in the context of the site, would result in encroachment of the settlement of Newby into the surrounding countryside, and would be damaging to the local landscape character. To grant permission would be contrary to DEV5 of the Eden Local Plan 2014-2032.

## INFORMATIVE:

The applicant is advised that no planning permission is required for planting trees and growing food on this agricultural land, providing the parcel of land is visibly separate from that of the existing residential garden, and is not used as residential garden.

*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: 8 March 2022

Signed:

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





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

# Notice of Decision



To: Shaw & Jagger Architects Ltd - Mr E Jagger  
14-15 Regent Parade  
Harrogate  
HG1 5AW

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: 22/0024  
On Behalf Of: Messrs Dixon & Wild

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 8 (permitted development rights), attached to approval 18/0836.  
Location: BARN SOUTH EAST OF NEWBY NEWBY PENRITH

The application is refused for the following reasons:

1. Removal of the Condition would promote significant risk to the appearance, character and setting of the developed traditional building by enabling all forms of permitted development described in Class 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to be undertaken without first having been scrutinised in the context of further planning applications, which are necessary to ensure that any such additions including outbuildings do not promote harmful, erosive impacts on the resultant development through inappropriate design, siting, form and materials, thereby causing the resultant development to be in conflict with Policies RUR3, DEV5 and ENV 2 of the Eden Local Plan 2014-2032.

For the avoidance of doubt, the documents of relevance to this refusal of planning permission are as follows:

(i) The planning application form dated 11 February 2022.

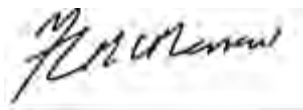
*Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.*

Date of Decision: 16 March 2022

Signed:

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





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

# Notice of Decision



To: Mr S Wilkinson  
Ash Garth  
Church Brough  
Kirkby Stephen  
CA17 4EJ

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: 21/0819  
On Behalf Of: Mr S Wilkinson

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 7 (local occupancy), attached to approval 06/0164.  
Location: APARTMENT A BECKSIDE BRIDGE STREET BROUGH KIRKBY STEPHEN CA17 4BP

The reason(s) for this decision are:

1. Insufficient justification and evidence have been provided to adequately demonstrate reasoning for the removal of the local occupancy restriction condition to create an unfettered occupation contrary to Policy HS1 of the Eden Local Plan, which stipulates that affordable housing sited in Key Hubs should be occupied by residents meeting the local connection criteria.

*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: 23 March 2022

Signed:

A handwritten signature in black ink, appearing to read "Fergus McMorrow", written over a light blue horizontal line.

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

**www.eden.gov.uk** **Fergus McMorrow BA (Hons)**  
**Assistant Director Planning and Economic**

