

# 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*

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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:

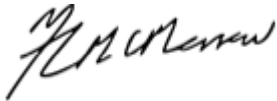
1. The unsympathetic design, materials and fenestration proposed in the extensions to, and renovation of the building, fail to conserve, and would result in substantial harm to the character of this historic curtilage listed building and its setting, and would actively detract from its heritage value. 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

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Tel: 01768 817817

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

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*Town and Country Planning Act 1990*

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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.

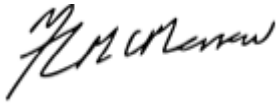
*Where necessary the local planning authority has worked with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the planning application and to implement the requirements of the NPPF and the adopted development plan.*

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**

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**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*

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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 150m<sup>2</sup> 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

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

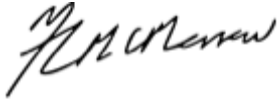


it would be mitigated, and as such the development cannot be deemed to meet the requirements of Policy ENV1

*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**