

PLANNING APPEAL DECISIONS

Lead Officer: Tony Pomfret – Development Services Manager

To inform Members of four recent appeal decisions in Whitehaven, Keekle and Haverigg

Recommendation: That the decisions be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 Alterations to Entrance including New Lighting and Signage at Havanna, 28-29 New Street, Whitehaven.

1.1.1 Full planning permission for this proposal was refused in May last year for the following reason:-

‘The cladding of the ground floor elevations using black polished tiles constitutes an incongruous material which is visually injurious to the character and appearance of the subject building in particular and Whitehaven Town Centre Conservation Area generally, at variance with Policy ENV 26 of the Copeland Local Plan 2001-2016 2nd Deposit Version and the guidance provided in Planning Policy Guidance Note 15 “Planning and the Historic Environment”.’

1.1.2 As the work had already been undertaken to clad the ground floor of the building with tiles prior to the decision being made enforcement action was sanctioned and an enforcement notice requiring removal of the unauthorised tiles was served on 28 July 2006.

1.1.3 Appeals against the refusal of planning permission for the tiles and the enforcement notice were lodged concurrently by the applicant and a hearing was held on 3 April this year.

1.1.4 The appeals were DISMISSED and the enforcement notice upheld.

1.1.5 The Inspector concurred with the Council and considered the use of a highly reflective polished tile appears quite incongruous and stands out in stark contrast to the form and appearance of the many other traditional buildings in the immediate and wider area.

1.1.6 A copy of the Inspector's decision letter is appended.

1.2 Dwelling, land adjacent to 9 Low Kells, Whitehaven

1.2.1 This application was refused on 13 September 2006 for the following reason:-

“The site is considered unsuitable for residential development due to its location on the edge of this established residential area, with no direct road frontage and substandard access arrangements via an unmade back lane. Furthermore the proposal would result in the loss of amenity and parking space serving the adjacent property contrary to Policies HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016.”

1.2.2 An appeal against the decision has been ALLOWED subject to conditions.

1.2.3 The Inspector considered that the proposal would provide a satisfactory standard of access which would not cause unacceptable harm to the occupiers of 9 Low Kells and would be in accordance with Policy HSG 4 of the Local Plan.

1.2.4 A copy of the Inspector’s decision letter is appended.

1.3 Conversion of a traditional barn to form a Single Dwelling at Keekle Grove, Whinney Hill, Cleator Moor

1.3.1 Planning permission was refused for this application on the grounds that:-

“The building is in a derelict condition and is considered to be structurally incapable of accepting the proposed conversion works without significant rebuilding and modifications, contrary to Policy HSG 17 of the adopted Copeland Local Plan 2001-2016.”

1.3.2 An appeal against the decision was ALLOWED.

1.3.3 This was a particularly disappointing decision. The Inspector clearly felt that the building was not in a ruinous state, even though it was devoid of a roof and required rebuilding of at least one of the walls. He was of the opinion that providing alterations to the external fabric were carried out sensitively then the conversion would constitute a sustainable form of development and result in the restoration of an attractive building in accordance with Policy HSG 17 of the Local Plan.

1.3.4 A copy of the Inspector’s decision letter is attached.

1.4 Outline application for residential development at Midtown Farm, Haverigg

1.4.1 This application was refused for the following reason:-

“Although situated within the settlement boundaries for Haverigg as prescribed in the adopted Copeland Local Plan 2001-2016 the proposal relates to a greenfield site for which there is no present justification to permit further residential development given the extant planning permission for large scale housing development (approximately 80 dwellings) on a nearby site at Concrete Square, Haverigg. The proposal is, therefore, considered to be at variance with Policies DEV 4, HSG 3 and HSG 4 of the adopted Copeland Local Plan.”

1.4.2 A subsequent appeal against the decision has been DISMISSED.

1.4.2 The Inspector was of the opinion that the proposal would cause unacceptable harm to the management of the supply of land for housing. He states:-

“Development of the appeal site would account for a substantial proportion of the windfall allowance allocated for previously developed land and buildings in this time period and area of the borough which may delay other sites which would be sequentially preferable and prejudice the overall strategy for delivery.”

1.4.3 A copy of the Inspector’s decision letter is attached.

Contact Officer: Heather Morrison, Senior Planning Officer

Background Papers: Copies of the Inspectors’ decision letters are appended.