

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF REFUSAL OF OUTLINE PLANNING PERMISSION

SRE Associates
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Cockermouth
CA13 0WX
FAO Simon Blacker

APPLICATION No: 4/22/2090/001

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH FULL DETAILS OF
PROPOSED ACCESS AND ALL OTHER MATTERS RESERVED**

LAND ADJACENT TO ROUND CLOSE PARK, WHITEHAVEN

Sunshine Properties West Coast Ltd

The above application dated 24/02/2022 has been considered by the Council in pursuance of its powers under the above mentioned Act and OUTLINE PLANNING PERMISSION HAS BEEN REFUSED for the following reason:

Reasons for Refusal

- 1) The proposed erection of 9 dwellings on the land, which is located outside any designated settlement boundary in open countryside location, represents an inappropriate form of development that will be located away from the provision of facilities and services. The site offers extremely limited opportunity for public transport and is beyond distances which residents could reasonably be expected to walk to access services. There are no pedestrian walkways on direct access routes from the site which would result in the only safe access to services being via vehicle. The perceived benefits that could result from nine dwellings on this land would not be sufficient to significantly and demonstrably outweigh this harm, especially as these dwellings are without justification. As such, it would not represent sustainable development as required by the NPPF.

The proposal is therefore contrary to policies ST1, ST2 and DM22 of the Copeland Local Plan 2013-2028, Policies DS3PU and DS4PU of the Emerging Copeland Local Plan and the objectives of paragraphs 8, 9, 11, 80 and Part 9 of the National Planning Policy Framework (2021).

- 2) The Application Site comprises an elevated parcel of agricultural land, the development of which would extend the built form of development at Round Close Park into open countryside to the northeast. This development would be visually prominent when viewed from the north and from significant areas within Moresby Parks to the north and east. Furthermore, development in this location would erode the extent of open space between Round Close Park and Moresby Parks which would have a significant detrimental impact in the character and appearance of the landscape

As a consequence, this development would be contrary to policies ST1 and ENV5 of the Copeland Local Plan 2013-2028, Paragraph 174 of the NPPF and the guidance set out in the Cumbria Landscape and Character Toolkit which seeks to maintain green gaps and avoid sporadic and peripheral development.

- 3) The use of the proposed access will materially increase traffic movements within close proximity to the private amenity space associated with the existing dwellings which flank the agricultural entrance. This will result in increased noise and disturbance and also potential glare from headlights during the hours of darkness which will have a detrimental impact on the amenities of the occupiers of these residential properties.

As a consequence, this development would be contrary to Policy ST1 of the Copeland Local Plan 2013 – 2028 and Section 12 of the NPPF which seek to protect residential amenity.

Statement

The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application. In this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.

Please read the accompanying notice



Pat Graham
Chief Executive

04th August 2022

REFUSALS
(OUTLINE, FULL, RESEVED MATTERS)

DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.