

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Copeland Borough Council
Whitehaven Commercial Park
Moresby Parks
Whitehaven
CA28 8YD
FAO: Mr Emanuel Flecken

APPLICATION No: 4/22/2469/0F1

**CHANGE OF USE FROM THE WALLED GARDEN OFFICE TO A CAFE
THE VICTORIAN WALLED GARDEN, DISTINGTON TO PARTON, DISTINGTON**

Copeland Borough Council

The above application dated 01/12/2022 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Application Form, received 1st December 2022;
Site Location Plan, scale 1:1250, received 1st December 2022;
Existing Plan, dated August 2022, received 1st December 2022;
Proposed Plan, received 1st December 2022;
Parking Plan, received 5th January 2023;

Bat Inspection Survey, Ref. J487/D01, Dated October 2022 received 1st December 2022.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The precaution measures associated with bat roosts must be implemented as part of the development hereby approved in accordance with the details set out in Bat Inspection Survey, Ref. J487/D01. Dated October 2022 received by the Local Planning Authority on 1st December 2022.

Reason

To ensure that adequate protection is given to protected species, in the interest of the environmental protection and in accordance with Policy DM25 of the Copeland Local Plan.

4. The hours of opening shall be restricted to Mondays to Sundays 10:00 to 17:00, including Bank Holidays.

Reason

In the interest of neighbouring amenity.

Informative Notes

1. It is an offence under Wildlife and countryside Act to damage or destroy a bat roost.

If works are completed outside of the hibernation season, a European Protected Species Mitigation Licence (EPSML) must be obtained prior to the works commencing from Natural England.

For more details on how to apply for a bat mitigation licence, please follow the link: <https://www.gov.uk/government/publications/bats-apply-for-a-mitigation-licence>

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read 'N. J. Hayhurst' followed by a stylized flourish.

Nick Hayhurst
Head of Planning and Place

19th January 2023

APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)

TOWN AND COUNTRY PLANNING (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 in its existing state nor render the land capable of 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 V1 of the Town and Country Planning Act 1990.