



**Cumberland Council  
Cumbria House  
107-117 Botchergate  
Carlisle  
Cumbria CA1 1RD  
Telephone 0300 373 3730  
[cumberland.gov.uk](http://cumberland.gov.uk)**

TOWN AND COUNTRY PLANNING ACT 1990. (AS AMENDED)

**NOTICE OF REFUSAL OF CONSENT**

Calva Design Studio  
Waters Edge  
2A Church Road  
Harrington  
CA14 5QP  
FAO: Mr Richard Lindsay

**APPLICATION No: 4/23/2184/0F1**

**DETACHED SINGLE STOREY THREE BEDROOM DWELLING AND NEW  
ACCESS TO HIGHWAY**

**LAND ADJOINING LAKELAND VIEW, CHAUCER AVENUE, EGREMONT**

**Mr Wayne Dunn**

The above application dated 27/06/2023 has been considered by the Council in pursuance of its powers under the above mentioned Act and has been REFUSED for the following reason(s):

**Reason for Refusal**

1. The proposed development, due to its scale and siting within a constrained site, would exert an overbearing and dominant effect on and would result in loss of amenity and oppressive living conditions for the existing and future occupiers of adjacent residential properties. The overall design of the proposed development would also be out of keeping with the character of the adjacent residential properties and would be considered to be overdevelopment of the site resulting in

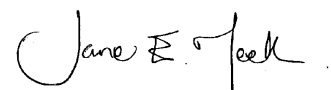
harm to the character and appearance of the surrounding area. As a consequence, the proposal would be considered to be contrary to Policies ST1, DM10, and DM12 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

2. The submitted application has not adequately demonstrated that the proposed development would not have a detrimental impact on the flood risk within the site or the surrounding area, due to the supporting Flood Risk and Drainage Assessment being outdated and produced for an adjacent development. As a consequence, the proposal is considered to be contrary to Policies ST1, ENV1, and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

### **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 by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, 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



Jane Meek  
Assistant Director  
Thriving Place and Investment

31<sup>st</sup> October 2023

## **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](mailto: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.