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TOWN AND COUNTRY PLANNING ACT 1990. (AS AMENDED)

NOTICE OF REFUSAL OF CONSENT

Mr Adem Guler
34A Lakeland Avenue
Whitehaven
Cumbria
CA28 9PY

**APPLICATION No: 4/23/2212/0F1
SITING OF A STORAGE CONTAINER (RETROSPECTIVE) AND ERECTION OF A
FENCE
34A LAKELAND AVENUE, WHITEHAVEN**

Mr Adem Guler

The above application dated 20/07/2023 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):

Reasons for Refusal:

1. The Application Site occupies a prominent location and is highly visible from the surrounding public vantage points. The storage container and 1.829-metre-high fence, due to their siting, scale and appearance would result in an incongruous form of development which would have a significant detrimental impact on the street scene and the visual amenity of this predominantly residential area. The proposal is in conflict with Policies ST1 and DM10 of the Copeland Local Plan 2013-2028, Policy DS6PU of the Emerging Local Plan and the guidance set out in section 12 of the NPPF and the National Design Guide.

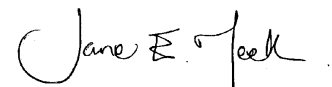
2. The storage container and proposed 1.829-metre-high fence, due to their scale and siting in close proximity to the boundary would exert an overbearing and dominant effect on the neighbouring property. It would fail to relate in a coherent manner to its surroundings causing significant harm to amenity of the occupiers of the residential properties nearby . As a consequence, the development is considered to be in conflict with Policies ST1 and DM10 of the Copeland Local Plan 2013 – 2028, Policy DS6PU of the Emerging Local Plan and section 12 of the NPPF which seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

3. The proposed 1.829-metre-high fence, due to its height and siting to the front of the building, would interfere with the highway visibility for vehicles leaving the site. This would result in an adverse impact on highway safety within the locality. Any screening benefits that would result from the fence would not outweigh this detrimental impact on highway safety. As a consequence the proposal conflicts with Policies ST1 and DM22 of the Local Plan, Policies DS6PU and CO7PU of the Emerging Local Plan and section 12 of the NPPF, which seek to maintain highway safety standards.

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

14th September 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) 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.