



**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**

Mr Daniel Sowerby  
Sowerby House  
Townhead  
Dearham  
Maryport  
CA15 7JW

**APPLICATION No: 4/23/2388/001**

**OUTLINE APPLICATION WITH SOME MATTERS RESERVED INCLUDING  
APPROVAL OF ACCESS, LANDSCAPING, LAYOUT & SCALE FOR PROPOSED  
BUNGALOW ON SITE OF FORMER RESIDENTIAL LODGE  
LAND ADJACENT BELVERDERE, CLEATOR**

**Mr Gerry Coan**

The above application dated 19/12/2023 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):

1. The proposed development comprises a market led residential development located on a site outside of the settlement boundary of Cleator Moor in direct conflict with the provisions of Policy DS3PU, Policy DS4PU and Policy H4PU of the emerging Copeland Local Plan 2017-2038.
2. The proposed development by virtue of its location, scale and developed form does not respond positively to the character of the site and the immediate and wider setting or enhance local distinctiveness. It will result in adverse impacts upon the

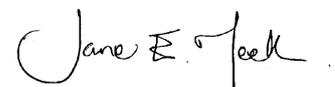
local landscape character and localised views from within and adjacent to Cleator Moor in conflict with the provisions of Policy ENV5, Policy DM26 and Policy DM10 of the Copeland Local Plan 2013-2028 and Policy H6PU and Policy N6PU of the emerging Copeland Local Plan 2017-2038.

3. Due to the siting of the proposed development, it is likely to create adverse impacts on the amenities of the occupiers of the neighbouring properties of Belvedere and Ehen Garth. This would be in conflict with Policies ST1, DM10, DM11, and DM12 of the Copeland Local Plan 2013-2028, Policy DS6PU of the emerging Copeland Local Plan 2017-2038 and section 12 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. 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

13<sup>th</sup> March 2024

## **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.