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[cumberland.gov.uk](http://cumberland.gov.uk)**

TOWN AND COUNTRY PLANNING ACT 1990. (AS AMENDED)

**NOTICE OF REFUSAL OF CONSENT**

JW Plant Solutions Ltd  
3 Bank Head  
Haverigg  
Millom  
LA18 4LZ  
FAO: Mr Jason Wegener

**APPLICATION No: 4/24/2037/0F1**

**CHANGE OF USE FROM AGRICULTURAL TO COMMERCIAL STORAGE, TO  
MAKE A STORAGE YARD TO STORE AGGREGATES AND BUILDING  
EQUIPMENT  
STOUP DUB COTTAGE, HAWS LANE, HAVERIGG**

**JW Plant Solutions Ltd**

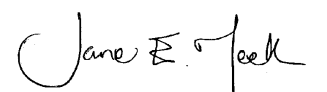
The above application dated 30/01/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and has been REFUSED for the following reasons:

**Reasons for Refusal**

1. The proposed development creates a commercial use located on a site outside of any defined settlement boundary with no justification provided for the open countryside location in direct conflict with Policies ST1, ST2, ER4 and ER6 of the Copeland Local Plan, Policies DS3PU, DS4PU, E1PU and E2PU of the Emerging Local Plan, and provisions of the NPPF.

2. The proposed development would result in an intensification of an existing residential access for larger commercial vehicle which would result in an unreasonable loss of residential amenity for the existing and future occupants of the dwelling, Stoup Dub Cottage. This impact would be exacerbated by the proximity of the dwelling to the access, the type of traffic involved, and the detrimental impacts of the associated movements and disturbance that the development would create. Consequently, this proposal would be in conflict with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.
  
3. The is a sensitive area and the site is located adjacent to the Duddon Estuary Site of Special Scientific Interest (SSSI). The site is also located in close proximity to Morecambe Bay Special Area of Conservation (SAC), Morecambe Bay and Duddon Estuary Special Protection Areas (SPA), and Duddon Estuary Ramsar. The proposed development fails to demonstrate that adequate assessment of the ecological constraints within and adjacent to the site have been assessed and any impacts sufficiently mitigated, in conflict with Policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policies N1PU and N3PU of the Emerging Local Plan, and provisions of the NPPF.

Please read the accompanying notice



Jane Meek  
Assistant Director  
Thriving Place and Investment

26<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.