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

TOWN AND COUNTRY PLANNING ACT 1990. (AS AMENDED)

**NOTICE OF REFUSAL OF CONSENT**

Fox Architectural Design Ltd  
Church View Office  
Church Lane  
Bootle  
Millom  
LA19 5TE  
FAO: Karl Fox

**APPLICATION No: 4/24/2073/0F1**

**CHANGE OF USE FROM AGRICULTURAL LAND TO FORM A RESIDENTIAL  
GARDEN  
BEACH VIEW, BORWICK RAILS, MILLOM**

**Steve Rowe**

The above application dated 01/03/2024 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**

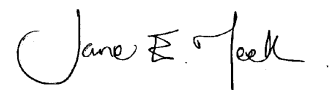
1. The proposed development of an extensive domestic garden on a site outside the settlement boundary for Millom is unjustified within this location in direct conflict with the provisions of Policy ST2 of the Copeland Local Plan, Policy DS4PU of the Emerging Copeland Local Plan 2017- 2038 and provisions of the NPPF.

2. The proposed change of use of the land to form an extension to the domestic garden of this partly constructed dwelling would, by reason of its siting, scale, and harsh domestic boundary treatment, have an adverse impact upon the local landscape character by creating a prominent feature within this rural context. The development is considered inappropriate change within this rural area which will detract from and erode the distinctive open character of this area of Millom in conflict with the provisions ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan, and paragraphs 72 and 180 of the NPPF.
3. The application site is identified as a known site for Natterjack Toads. The proposed development fails to demonstrate that adequate assessment of the ecological constraints of 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.

### **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

26<sup>th</sup> April 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.