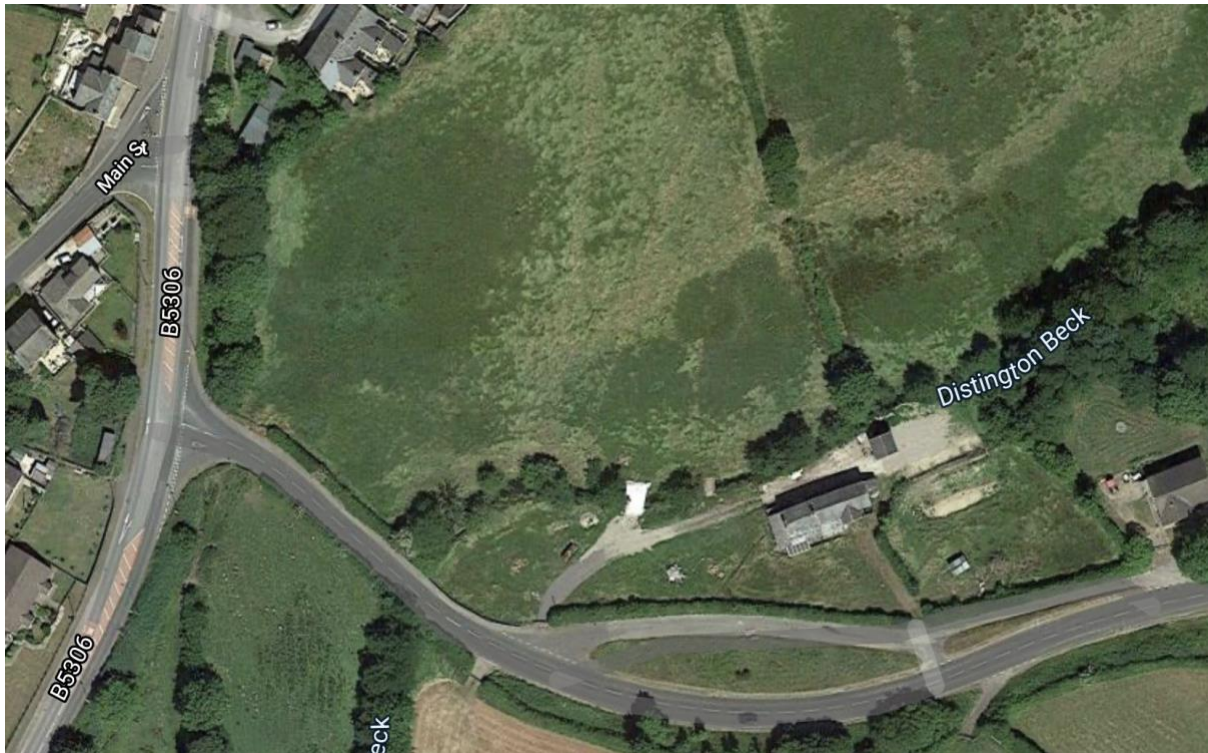


**Final Comments in relation to LPA Statement of Case – Land at
Beckside Farm, Distington**

Proposal: Residential development consisting of two dwellings



Appeal Reference APP/Z0923/W/23/3314416

Planning Application Reference 4/22/2274/001

K Adams & Son Ltd

April 2023

SRE Associates - Planning and Development Consultancy



1.0 Final Comments

1.1 This statement has been prepared with regards to the information provided within the statement of case from the Local Planning Authority (Copeland Borough Council) on the above planning appeal.

1.2 In section 1, the following statement is included:

1. Decision of Local Planning Authority:

1.1 Reasons for Refusal

'1) The proposal would be sited on land that is outside any recognised settlement boundaries for Copeland. The application has been submitted without any justification for the open countryside location. The proposal is therefore considered to be contrary to Policy ST2 of the CS, DS3PU and DS4PU of the ELP and paragraph 11 of the NPPF.

2) Due to the topography of the site, the proposed dwellings would be visually prominent creating an unacceptable impact on the surrounding landscape. Furthermore, the dwellings would create an unsympathetic development on land that is designated as sensitive urban fringe. The proposal is therefore considered to be contrary to policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the ELP, the Cumbria Landscape Character Toolkit, The Copeland Landscape Settlement Study July 2020 and the provisions of the NPPF.'

1.3 In the Council's recent Planning Appeal Statement of Case (APP/Z0923/W/22/3304774 – 14th November 2022), it stated:

'There is no clear and defined authority within the Constitution of Copeland Borough Council that provides delegated authority to Officers to prepare a Statement of Case that addresses the issues raised by an appeal without a formal or reasonably minded decision from Members of the Planning Panel that would determine the stance to be adopted in any Statement of Case.....

In the context of the above, it is confirmed that this Statement of Case has been prepared on the basis that the authors (Officers of Copeland Borough Council) are not the decision maker and that Members of the Copeland Planning Panel have not made a formal or minded decision in relation to this Outline Planning Application.'

1.4 The section in the appeal statement continues:

The Appeal Statement is therefore limited to the following:

- *a brief timeline of the Outline Planning Application;*
- *identification of the relevant policies of the Development Plan;*
- *identification of the relevant material planning considerations;*
- *identification of the key issues without narrative or argument regarding the acceptability of the scheme; and,*
- *a draft list of planning conditions for use should the Planning Appeal be allowed.*

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- 1.5 The Council has confirmed via email that the application has not received a 'minded to' decision from their Planning Panel, and as the Council has previously stated in the above recent appeal statement, the authors (Officers of Copeland Borough Council), are not the decision maker. The statement should have followed the same form as appeal statement APP/Z0923/W/22/3304774, and the information in section 1.4 above. Therefore, the first paragraph of the statement should not have been included, and therefore should not be considered.

S Blacker MRTPI