

**REPLY TO GROUNDS OF REFUSAL AS STATED IN ENFORCEMENT NOTICE
DATED 1/8/23**

**1.THE COMMERCIAL USE OF THIS PROMINENT ROADSIDE LOCATION ETC
CONTRARY TO POLICIES ST1, ST2 AND ER6 OF THE COPELAND LOCAL
PLAN 2013 – 2028.**

This refusal condition as stated in both the refusal of Planning permission dated 29/3/23 and the Enforcement Notice dated 1/8/23, refers specifically to “significant and unnecessary traffic movements in a rural location”. We contend that this is not correct.

Of the eight containers on the site, four are used by the appellant for his own use in connection with agriculture and the farm land he owns in Lamplugh. Agricultural foodstuffs and farm equipment are stored in these containers, and movement to and from these containers should not be included in this refusal condition, because of the requirement of the appellant to use them in connection with his farming business activities.

The remaining containers are used by a local roofing contractor (1 no), and three containers are used by clients for long term furniture storage.

The traffic movements to and from the site are minimal and we estimate there are no more than three van movements/ week in and out the site, related to the roofing contractors business.. The long term furniture storage use does not impact on the site.

It is for these facts as stated above that we consider that the reasons as stated under item 1 of the refusal dated 29/3/23 and Enforcement Notice dated 1/8/23, are incorrect and should be dismissed.

2.THE STEEL CONTAINERS BY VIRTUE OF THEIR SITING, SCALE AND UTILITERIAN APPEARANCE HAVE AN ADVERSE IMPACT ON THE CHARACTER AND APPEARANCE OF THIS RURAL AREA. THEY AE CONTRARY TO POLICIES ST1, ST2, ENV5, ER6 AND DM10 OF THE COPELAND LOCAL PLAN 2013 – 2028.

This refusal condition as stated in both the refusal of planning permission and the Enforcement Notice refers specifically to the IMPACT the containers allegedly have on the rural area.

We consider that this is incorrect, refer to photos attached to the Appeal. Viewed from outside the site the containers are hardly visible as they are located behind a mature hedge. From inside the site the containers are clearly visible from both the site and from farm land beyond owned by the appellant.

They are not seen from any domestic dwellings close to the site. They have no adverse impact on the landscape because of their size. The height of the containers is low and hidden behind the hedge line.

We have also included photos of buildings immediately adjacent to the site which are in a condition which could be described as “ in need of some repair” and a state of “rural decay”. These, we consider, have far more impact on the character and appearance of the rural area, than the appellants containers.

The containers are dark green in colour and this helps to merge them in to the landscape of the site as can be seen from the photos attached.

CONCLUSION

For the reasons as stated above we consider that the Enforcement Notice issued to the appellant on the 1/8/23, should be dismissed.

The significant and unnecessary traffic movements alleged by the Council do not exist as stated in the reply, because of the end use of the four containers. We have not included the four used by the appellant for his own farming use.

The adverse IMPACT that the containers are alleged to cause to the character and appearance of the rural area does not exist for the reasons as stated.

In any rural area farms and their buildings have a huge impact on the rural area, but are accepted as a vital part of the rural landscape and rural economy.

We therefore contend that our containers on this site south of Whinnah Cottages in Lamplugh do not have any adverse impact on the surrounding, and should be allowed to remain.

We further contend that the Enforcement Notice is incorrect in that it refers to all the containers and not just four containers. Four containers are used by the appellant for his own use in connection with his agricultural business, and should not have been included. Only four containers should be considered as part of this Appeal.

Richard J. Lindsay
Calva Design Studio
28/8/23

Agent acting for Mr P Watson