



S78 Town and Country Planning Act 1990 (as amended)

Land at Harras Moor, Whitehaven

Appeal by Homes England against a refusal of Planning Permission by Copeland Borough Council for a Development of up to 370 dwellings with associated open space and infrastructure

LPA Reference: 4/18/2287/001

PINS Reference: APP/Z0923/W/23/3316104

Local Planning Authority Statement of Case

5th July 2023

1. The Reasons for Refusal

1.1 Copeland Borough Council refused planning permission for the proposal on 18th August 2022 for the following reasons:

1. *The proposed development will result in an unacceptable impact on highway safety on the public highway network, with specific regard to the public highways known as Harras Road, Park View, Victoria Road, Albert Terrace, Solway View, Hilton Terrace and Wellington Row and the junctions of Park View with Albert Terrace, Park View with Solway View, Albert Terrace with Victoria Road and Victoria Road with the A595. Given the constraints of the public highways and junctions, the impacts of the proposed development on highway safety cannot be cost effectively mitigated to an acceptable degree.*

The development is in conflict with the requirements of Policies ST1 and T1 of the Copeland Local Plan 2013-2028 and Paragraphs 110 and 111 of the National Planning Policy Framework.

2. *The proposed development will result in severe residual cumulative impacts on the road network, with specific regard to capacity and congestion on the public highways known as Harras Road, Park View, Victoria Road, Albert Terrace, Solway View, Hilton Terrace and Wellington Row and the junctions of Park View with Albert Terrace, Park View with Solway View, Albert Terrace with Victoria Road and Victoria Road with the A595. Given the constraints of the public highways and junctions the impacts of the proposed development on capacity and congestion cannot be cost effectively mitigated to an acceptable degree.*

The development is in conflict with the requirements of Policies ST1 and T1 of the Copeland Local Plan 2013-2028 and Paragraphs 110 and 111 of the National Planning Policy Framework.

1.2 The decision to refuse planning permission was a Members decision taken against Officer recommendation.

2. Council Position in Relation to the Appeal

2.1 The former Copeland Borough Council was subject to Cumbria (structural Changes) Order 2022, whereby the property, rights and liabilities of Copeland Borough Council transferred and vested in its statutory successor council, Cumberland Council by operation of law. Consequently, as of the 1st April 2023 Cumberland is now the relevant local planning authority (LPA) with regards to the appeal.

2.2 A report was considered by the Planning Committee of Cumberland Council on 5th July 2023 for Members to agree the stance that should be adopted by the Local Planning Authority in relation to appeal ref. APP/Z0923/W/23/3316104 lodged by Homes England against the decision of

the former Copeland Borough Council to refuse application reference number 4/18/2278/001.

- 2.3 At that meeting Members agreed to the following resolution:-

The Council accepts that there are no reasonable prospects of Cumberland Council being able to successfully defend appeal ref. APP/Z0923/W/23/3316104 and that it would therefore be unreasonable and inappropriate for it to attempt to defend the appeal at the forthcoming appeal hearing.

The Council considers that there are no reasons that should lead to the dismissal of appeal ref. APP/Z0923/W/23/3316104.

- 2.4 A copy of the Planning Committee report is attached in Appendix 1

- 2.5 On this basis the LPA do not intend to submit any evidence in defence of the refusal reasons. However, it is confirmed that both a Planning Officer and a Highways Officer will be present at the Hearing to answer any questions that the Inspector may have, with particular regard to the planning conditions and planning obligation.

3. Planning Conditions

- 3.1 Should the Inspector be minded to allow the appeal and grant outline planning permission then the LPA would ask that the planning conditions set out in Appendix 1 of the Statement of Common Ground are imposed. These have been agreed with the Appellants.

Appendix 1

Copy of report to Cumberland Planning Committee on 5th July 2023