



Millom Without Parish Council

Clerk: Mrs Lesley Cooper
Low Marshside
Underhill
Millom
Cumbria
LA18 5HA

Website: millomwithoutparishcouncil.com

To Development Control
Cumberland Council
Via email

Cc Nick Hayhurst, Planning Manager
Christie Burns, Planning Officer

Ref: Planning Application: 4/23/2119/0F1 Dunningwell Hall, Dunningwell

On the 7th December 2022 the Parish Council initially wrote to Copeland Council Planning department asking for the withdrawal of the application based on the errors and omissions within it and to give the Parish Council and local residents the courtesy of being able to respond to a resubmitted application. This would also have been an opportunity for the Local Planning Authority to consult individually with those neighbours with property and land adjacent to the development.

On the 19th January, you notified us that additional information had been submitted in support of the application and in subsequent correspondence you kindly agreed that an extension of time until the 9th February would be granted to allow the Parish Council to consider this matter.

After our meeting on 6 February 2023, with a number of public representations, the Parish Council requested that the application be either withdrawn or refused on the following grounds;

1. First and foremost the application does not recognise the need for a change of use from C3. Case law (as already identified in an earlier dialogue) would indicate that the proposed use as holiday accommodation is a) not permitted development (which a C3 to C3 use class order change would indicate) and b) not in fact C3 but potentially sui generis. Case law, both in applications and appeals have consistently demonstrated that holiday accommodation on this scale is not commensurate with a normal residential family use because of the potential injury to residential amenity.
2. The plans of the building that have been submitted as extant are actually plans which predate the purchase of the building by the applicant. The Parish Council were shown round the building not long after the sale and there had already been substantial change to internal layouts. New plans of the building as it is at the time of application should be submitted as part of any new application, ideally along with details of any works carried out between purchase and application. This would be to demonstrate that that adequate



amenities are provided (particularly bathrooms) for up to 22 persons without compromising the sizes of rooms or the general amenity of guests as well as to demonstrate how any of these facilities are to be connected to existing or proposed septic tank provision. We requested that these be amended but as of Monday 6th February, the applicant has not amended these or provided a set of drawings showing the building as existing to allow us to measure the impact of the development. This must naturally also impact on the planning authority's ability to gauge the scale of development and judgement of whether it meets the tests for permitted development.

3. We note that in response to our previous observations regarding sewage and the claim in error that the building is served by mains sewerage that the applicant has now submitted a location plan for a septic tank. This is confusing, a) because it's marked as an option and b) because there is no plan showing current location or size of any existing septic tank. This option also renders the claim that no trees will be affected nonsensical, because the line indicating pipework clips the roots of at least two large trees. Of course this could be amended, but in reality the information is incomplete and leaves it extremely difficult for either ourselves or officers of Copeland Council to determine the impacts of this area of development.
4. The revised information confirms that there are no **TPO's** on the site and reaffirms the ancient woodland designation existing for part of the site but does not identify where this is. We maintain our opinion that the parkland setting of the building should be considered in this and any future development and suggest an independent tree survey be undertaken to identify where general landscape and specific trees might be worthy of protection through TPO's and local heritage designations.
5. A **parking** plan has been submitted, but it's not clear whether this is existing or as proposed. Irrespective, it does not offer adequate parking for 11 lots of guests and service vehicles. Also it is not properly identified either on the as existing or proposed plans. Parking remains a significant issue in the operation of the building as parking, in terms of its location and size is an area critical to considering injury to residential amenity, comings and goings and the timings of these being significant in determining the impact of the new use on local residents. No specific mention has been made regarding the parking needs for servicing the building. In addition, the submitted documents requested by Highways have clearly been written by someone who has never visited the site and the document is demonstrably just a cut and paste job. In addition there have been complaints about the lighting to the new entrance which have been reported as blinding drivers coming up the hill from School Ellis and which are visible from neighbouring properties at some distance at night. We will be requesting review by Highways of the intensity and level of this lighting.
6. We note that the emerging **Local Plan policies** on tourism and sustainability are now being examined by the inspector, which gives them some weight in the planning balance. Irrespective of this the applicant has still not outlined how the development is sustainable in either an environmental or tourism context. In fact their travel plan makes it clear that the only real way to access the property will be cars and this would seem to be in conflict with most of the emerging policies relating to Strategic Objectives 16-18 within the emerging local plan and specifically provisions within Policy ST1.



7. There is also a significant general concern locally that this will be a first step to the more systematic development of the land surrounding Dunningwell Hall in line with the applicant's other property at Brockwood Hall. We appreciate that normally only matters within the application can be considered in the planning balance but the Parish Council would point out that the proposed use would fundamentally change the character of the use of the property and its surrounding land, meaning this application could act as a gateway to future development like that at Brockwood. Because of this, the Parish Council would argue that future development is a material consideration. The agent, dismissively refers to this as 'stargazing' but given the business model at Brockwood Hall and the potential for the expansion of that model into the land around Dunningwell Hall, this comment is insultingly naïve and disrespectful of the concerns of local residents and the Parish Council.

The Current Application

We have noted that the applicant has amended the proposed change of use from C3 to sui generis but setting aside the issues around proper use class and permitted development set out in points 1 and 2 of our previous objection, all other objections stand. We would like to add to the issues raised in point 7 that the combined effect of a sui generis use class and any precedent set by the Local Planning Authority should they be minded to approve this application, is likely to open the door to future development of the kind at Brockwood Hall, a site also owned by this applicant, creating a staggered and cumulative impact on residential amenity and the local road network.

Insertion of previous planning application 4/17/2243/0F1 relating to an enlarged splay and gateway access to Dunningwell Hall into current application 4/23/2119/F1:

The proposed gateway is considered by the Parish Council and by local residents to be incongruous in style, inappropriate and excessive in scale to the rustic, rural environment of Dunningwell hamlet.

The existing gates have been used for all vehicles including large wagons without issue, it is not imposing and sits within the original character of the hamlet.

The Parish Council has concerns with regard to the excessive depth of the proposed tarmac driveway approach and the realigned splays each side of the gates, when combined with the roadway, could facilitate greater vehicular speeds through the hamlet, an issue of concern at present amongst residents, with speed monitoring being undertaken by the then Cumbria Highways Department. The creation of a "lay-by" by the gates could encourage it to being used for parking, thus becoming an additional road hazard on an already hazardous road..

Observations made by members of the public to the Parish Council consider that there is currently adequate room for vehicles to pull off the (very quiet) lane whilst the gates are being opened/closed.

The proposed lanterns on the gates will adversely affect the character of Dunningwell, running contrary to the intentions of Dark Skies Policies. They also contribute to the overly grandiose and inappropriate appearance of the proposed gateway.



In Summary

- Whilst the Parish Council recognises the shift to a proposed sui generis use, we do not understand why the applicant has made no attempt to assess or mitigate for the potential impact on residential amenity. The case law we highlighted was a clear enough indication that Planning Inspectorate (and by extension any potential judicial review) would place significant weight on residential amenity, something which the applicant has again chosen to ignore along with more detailed information on parking and sewage and sustainability.
- Millom Without Parish Council maintains that this application should be either withdrawn or refused and that a planning application featuring as existing and as proposed drawings and plans should be submitted for the building, surrounding facilities and landscape. We would also again recommend that the applicant take note of sustainability & climate change policies as well as mitigation strategies for offsetting the potential harm to residential amenity.
- The addition of the application now expired re the gateway should be submitted as a new application and not be included within this application.

The reality is that this planning application is no different in its quality from the last one, and this leads the Parish Council to wonder at the validation process for applications for this (and indeed any other) type of application. If planning permission any other approvals based on the poor quality of the information submitted is granted, the Parish Council wishes to confirm that its unanimous resolution at its meeting on the 6th February 2023 to consider funding legal counsel on a Judicial Review of such a decision subject to examination of the officers report and its content still stands

We remained seriously concerned over the way in which this application has been handled particularly in the standard of information which appears to be acceptable to the local planning authority when considering planning permission in a case where significant local concern has been expressed and where the very real potential for negative impact on residential amenity has been clearly set out. More significantly, we are increasingly concerned that the applicant has shown no intent to address any local planning policy other than convenient policies on tourism in any variation of their application or to look at potential mitigation of any impact on residential amenity.

Yours sincerely

Lesley Cooper
Clerk