



From Councillor:
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City Councillor for:
Dalston

To Mr Richard Maunsell,
Planning Officer,
Carlisle District Council,
Civic Centre,
Carlisle.
CA3 8QG

KL
RSM

21.01.07

Dear Mr Maunsell,

**Planning Application 06/1339.
Removal of Condition 2 of Approval 04/1497.**

Following approaches from the applicant Mr Fynne, (I am his ward Councillor) I spoke with you about the above application. You explained your thinking behind your recommendation for refusal. At the time I saw you, the documents had not been distributed and Mr Fynne was unaware of this.

As it is not a new development, it seems to me that Planning Policies quoted E8, E22,T7, CP1, CP11, have no relevance here. The property already exists and the dwelling is occupied under the terms of the existing permission.

In coming to your conclusion of recommending refusal, you cite Policy H6 of the Carlisle District Local Plan and Policy H7 of the Local Plan Redeposit Plan which in turn reflects Policy ST7 of the Cumbria & Lake District Joint Structure Plan Proposed Modifications. These make it clear that, unless there are exceptional personal circumstances, permission for new housing development in the open countryside, (in this case 90m outside the settlement boundary of Raughton Head, identified in the Re-deposit Local Plan as a Local Service Centre) is normally restricted to forestry and agricultural need. Policy H1 Paras. 5.4 and 5.5 of the Local Plan Redeposit Draft supports this, but as with the others, provides for special circumstances with " - in most cases it will be more acceptable to locate new housing within the local settlement - " This appears to be the crux of Mr Fynne's case and centres on his supporting role for his disabled daughter.

When we discussed this application, I was not persuaded that there had been adequate consideration of the family circumstances. I am not privy to Mr Fynne's personal financial arrangements, but as I see it, with the unexpected



death of his wife, in the event of his own death as surviving spouse, the present constraints on the property could have potentially disastrous implications for his disabled daughter. Given the provision for special circumstances allowed in the policy statements quoted above, I was then, disappointed to see that you felt that these were not material considerations in this case and that if you gave consent, it would lead to a precedent for other similar proposals which the authority would find difficult to resist.

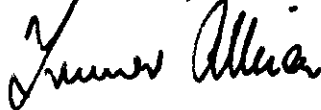
However, you explained with a sketch, that you also had regard to the fact that there was only one access and that cars can only be parked in front of the windows of the main property. I found this to be a convincing argument. But there must be some confusion. I went to see for myself and found that not to be the case, and that the main property has a gated access further along the road. By extending an existing low wall, separate parking provision could be provided for the annex property using the existing access gate. I suspect it was designed to service the barn itself.

In his letter to you of 17th Nov. Mr Fynne identifies other developments that have been allowed in the area. If confirmed then there would appear to be some inconsistency of approach. For example, when delivering leaflets, I have watched the progress of a very substantial conversion of an ex-Church Commissioners barn not far from Raughton Head. Are these for holiday homes, which are allowed? I know of other developments in the area.

It is only recently that I have been asked to make representations on Mr Fynne's behalf, but from what I see, it does appear that there are a number of issues which warrant consideration, or a response, before the Committee are asked to consider this application. Presumably deferment, (with Mr Fynne's agreement) is an option. This would seem preferable to rejection of this application as presently presented, and which could then lead to the time and expense of an appeal.

If protocol allows, I would ask that members of the Development Control Committee be copied this letter prior to the meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James Allister', written in a cursive style.

Cc. Mr Fynne.