

CARLISLE CITY COUNCIL

Report to:- Development Control Committee

Date of Meeting:- 9 March 2007

Agenda Item No:-

Public	Policy	Delegated: Yes
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Accompanying Comments and Statements	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No

Title:- Planning Application 06/0469 Willowford Farm, Gilsland – Removal of Conditions.

Report of:- Director of Development Services

Report reference:- DS.25/07

Summary:-

The report refers to an application considered by the Development Control Committee on 18 August 2006 Committee where Members resolved to approve the application subject to the applicant obtaining Schedule Monument Consent. Since the decision was made, some conditions attached to the approval are now considered irrelevant.

Recommendation:-

That Members note the content of the report and agree to the revised decision notice for the conversion of a farm building to a Bed and Breakfast at Willowford Farm, Gilsland.

Catherine Elliot
Director of Development Services

Contact Officer: Jessica Taylor

Ext: 7375

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Tree Preservation Orders: A Guide to the Law and Good Practice

1.0 Introduction

- 1.1 Members may recall the approval at Committee of application 06/0469 for the conversion of a farm building into Bed and Breakfast accommodation at Willowford Farm, Gilsland in August 2006. Members resolved to give Authority to Issue subject to the receipt of Schedule Monument Consent from English Heritage. This document was received on the 5 February 2007 and consent was issued on the 6 February 2007.
- 1.2 Due to the extensive period of time between receiving the application on the 11 April 2006 and the issue date, circumstances have altered resulting in three of the conditions no longer being relevant. Due to the nature of two of the three conditions they can not be removed under the Scheme of Delegation.
- 1.3 Condition 2 and 3 of application 06/0469 relate to highways matters, which states that the carriageway edge, entrance gates and splays shall be constructed and drained to the specification of the Local Planning Authority. Passing places were also required to be provided along the access road. After a site visit by the Highway Authority on the 18 January 2007, they subsequently sent a response concluding the conditions were no longer relevant due to the insignificant increase in traffic which would be using the road.
- 1.4 Condition 5 of the approval relates to the planting of trees and shrubs in the area to protect Bats and Barn Owls. At the time of the original application a Bat and Owl survey was carried out which indicated that neither of these species were present in the area. After consultation with English Nature it is considered unreasonable to provide additional landscaping in the absence of any Bats or Barn Owls.

2.0 Conclusion

- 2.1 In considering these matters Members should be aware, as illustrated within the report, there is no expert advice requesting these conditions to be attached to the permission and therefore the enforceability of them can be brought into question. It is considered the non implementation of these three conditions will not have an impact on the planning considerations or concerns which were discussed and highlighted when the application was brought before Members at a previous Committee.

- 2.2 Therefore, Members are asked, due to the lack of technical evidence, to support the removal of these conditions and a revised decision notice be issued to the applicant minus conditions 2, 3 and 5 of the original approval issued on the 6 February 2007.

3.0 Recommendation

- 3.1 That Members note the content of the report and agree to the revised decision notice for the conversion of a farm building to a Bed and Breakfast at Willowford Farm, Gilsland.

Catherine Elliot
Director of Development Services

Contact Officer: Jessica Taylor

Ext: 7170

Notice of Approval



Application for Planning Permission Notice of Approval

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

Applicant:

Agent: (if any)

Liam McNulty
14 Mount Street
Glossop
Derbyshire
SK13 8DT

Part 1 - Particulars of Application

Date of Application: 27/04/2006

Application Number: 06/0469

Particulars and Location of Proposal:

Proposal:

Conversion of farm building into bed and breakfast accommodation

Location:

Willowford Farm, Gilsland, Cumbria CA8 7AA

Part 2 - Particulars of Decision

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The whole of the access area bounded by the carriageway edge, entrance gates and splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety. To support Local Transport Plan Policies: S3, LD7, LD11, LD5 (draft)

3. Prior to the commencement of the development hereby approved details of the position, number and construction of the passing places along the private access road leading from the B6318 to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the commencement of the use of the development.

Reason: In the interests of highway safety.

4. i) All crevices detailed in F1 of the Bat and Barn Owl Report by Sally Phillips must be checked immediately prior to pointing to ensure that no bats are entombed.

ii) All builders on site must be briefed by a licensed bat worker prior to working on the site as to where the bats may be found, what the signs are of bat usage and what to do if any bats are found or suspected.

iii) If at any point during the works, bats or barn owls are seen or suspected in the development site, work must stop immediately and further advice must be sought from the English Nature Bat Help line 01768776911.

Reason: In order to safeguard the existing wildlife on the site in accordance with the Countryside and Wildlife Act.

5. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

Reason: To ensure that a landscaping scheme is submitted which takes into account the recommendations given in E3 of the Bat and Barn Owl Report by Sally Phillips submitted with the application in accordance with PPS9.

6. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

This written scheme will include the following components:

- i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation;
- iii) Where appropriate a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Planning Authority, completion of an archive report, and publication of the results in a suitable journal.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains and to ensure compliance with Policy E31 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

This application seeks full planning permission for the conversion of an existing single storey outbuilding to provide bed and breakfast accommodation at Willowford farm, Gilsland. The proposal would provide 5 bedroom areas and a lounge/dining room.

The property is a listed building and therefore there is a listed building consent application under reference 06/0470.

A design statement, listed building appraisal, access statement, and assessment for the treatment of foul sewage, structural survey, Bat and Barn Owl assessment supports the application.

There are a number of issues relating to the determination of this application along with a number of issues being raised by the objectors, which will be considered within the following report.

The relevant policies to the determination of the application are E10, E11, E25, E34, E36, EM11, EM15 and EM16 of the Carlisle District Local Plan and Policies ST3, EM16 and E34 of the Cumbria and Lake District Joint Structure Plan and also of relevance are Policies LE2, LE3, LE6, LE14, LE16, and EC11 of the Carlisle District Local Plan Redeposit Draft.

The planning issues are:

Design

The outbuilding would easily divide into 6 separate spaces to be used for 5 bedrooms and a lounge/dining room with minimal internal alterations other than partition stud walls. This is due to the existing building being 5 spaces already, two feed stores, a wagon barn, a milking parlour and a further space. The milking parlour space is the only space that would require a stud partition wall to divide into two en-suite bedrooms. The proposal would use existing openings other than the insertion of one window to serve the fifth bedroom, the insertion of a number of velux rooflights and the opening up of a previously closed doorway on the southern elevation and reopening the partially closed arch way on the west elevation.

The Conservation Officer has raised concerns over the accuracy of the existing plans and amended plans have been requested and submitted. It is considered that the design is sympathetic to the building and the surrounding area and the character of the listed building is not harmed by the proposal.

Archaeological implications

Although no external works other than the insertion of the additional windows and reopening doorways are proposed there may be associated grounds works such as the service trenches and therefore the County Archaeologist along with the English Heritage have requested additional information prior to making a final recommendation. This information has been received and prior to the submission of the information discussions were undertaken with English Heritage. As a result of the reconsultation with both the County Archaeologist and English Heritage they have recommended an archaeological evaluation be carried out prior to the determination of this application for the area where the service pipe and biodisc are proposed. They have also recommended a watching brief for the actual buildings.

As a result of the new sewage treatment plant proposed the Agents acting for the landlord have applied for Scheduled Monument Consent as this is a requirement for the landlord to carry out this work. English Heritage have requested that no decision is issued until the Scheduled Monument Consent has been determined as the scheme could not be implemented if the proposed sewer system was not supported.

English Heritage has supported the principle of the conversion of the buildings and they do not consider that the proposal would have an adverse impact on the neighbouring Hadrian's Wall Heritage Site.

Highways

Highways have no objections subject to a number of conditions and recommendations. They have requested that a condition ensuring that the neighbouring footpath is not obstructed is imposed however this cannot be imposed as a planning condition as it would not be enforceable by planning and therefore an informative is proposed.

In relation to the creation of a number of passing places along the private access, this has not been suggested as a condition, however it is considered that one can be

imposed for the details of the position and number of passing places to be submitted at a later date.

A number of concerns were raised by the objectors which have partially been addressed within the report.

- The 15 year tenancy states that the farm should continue as a working farm

Although this is not a material planning consideration it is considered important to clarify this point. The applicants do not currently farm the holding themselves this is due to geographical constraints as they are not permanently at Gilsland until the Autumn when they propose to start to farm the holding themselves. Therefore this scheme is part of a rural/farm diversification and it is considered that it is line with the relevant policies. PPS7 requires that Local Authorities support farm diversification projects that are an acceptable scale and would not adversely impact the surrounding rural area, it is considered that this proposal accords with PPS7 advice.

- What other redevelopment of the adjacent byres would be allowed

Concern has been expressed by the objectors and by the verbal objection that this is part of a larger scheme. After discussions with the Applicant it would appear that they do have aspirations to further develop the site with potentially a tearoom but that this is dependant on obtaining this permission and ensuring that it is a viable business and is therefore only an aspiration and no firm plans are available. In the event that any additional schemes are submitted these would be assessed on their own merits and the relevant consultees notified.

- Increased number of vehicles and the existing access is almost directly opposite the entrance to Gilsland School & increase use of footpaths.

Highways have no objections to the proposal from a vehicular point of view. The Ramblers Association support the scheme and although no written response has been received from the County Councils Footpath Officer they have indicated that they would not be objecting to the use of the footpath network and that the Cumbria County Council have a requirement to up keep the footpath network irrespective of the amount of usage. At the time of writing this report no response has been received from East Cumbria Countryside Project in relation to the footpath concerns.

- Concern over the need for further tourist accommodation in an area that they feel is oversupplied and the competition that this application will cause which could have a detrimental effect on existing businesses.

It is considered that the design of the conversion is sympathetic to the building and the surrounding area and would not have a detrimental impact on the neighbouring Hadrian's Wall World Heritage Site. Although there may be archaeological implications it is considered that these can be overcome with the imposition of appropriate conditions.

No objections have been received from the Highways Authority and written comments are awaited in relation to the impact on the surrounding footpath network. However it is considered that the Council aim to promote the archaeological significance of the area and this applications aims to encourage the number of visitors to the area.

It is therefore considered that the proposed conversion is sympathetic to the area and complies with the relevant policies.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E10

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar Site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. There is no alternative solution; and
2. There are imperative reasons of overriding public interest for the development;

Where the site concerned hosts a priority natural habitat type and/or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Carlisle District Plan Environment - Policy E11

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Specific Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. The reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSI's; or
2. The nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Carlisle District Plan Environment - Policy E25

Development will not be permitted where there is an unacceptable adverse effect on the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Plan Environment - Policy E34

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Carlisle District Plan Environment - Policy E36

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and historical interest of the building and neighbouring properties.

Carlisle District Plan Employment - Proposal EM11

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

Carlisle District Plan Employment - Proposal EM15

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

Carlisle District Plan Employment - Proposal EM16

Proposals for change of use from residential to guest house will be permitted provided that there is no unacceptable adverse impact upon the amenity of any neighbouring property and any additional parking requirements can be accommodated.

Proposals for guest house accommodation in the rural area will be acceptable providing that:

1. The proposal involves the use of an existing building or the extension of an existing guest house; and
2. The proposal reflects the scale and character of any existing development in the area; and
3. There is no unacceptable adverse effect upon the amenity of neighbouring property and the character and appearance of the area.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE2 Sites of International Importance

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. there is no alternative solution; and
2. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/ or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE3 Sites of Special Scientific Interest

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. the reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSIs; or
2. the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE6 Hadrian's Wall World Heritage Site**

Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE14 Alterations to Listed Buildings**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE16 Change of Use of Listed Buildings**

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and or historical interest of the building and neighbouring properties.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy EC11 Rural Diversification**

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting. Proposals should:

1. Be complementary to or compatible with the agricultural operations in the rural area; and
2. Be compatible with the character and scale of the operation and its landscape character; and

3. Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
4. Be capable of providing adequate access and parking arrangements.

Conversion of premises (of permanent construction) to live/ work units will be acceptable providing that they maintain the character of the original building and be in the region of 60% residential to 40% employment use. Permission for later conversion of the employment part will not be acceptable unless replacement employment use is provided in adjacent premises.

Cumbria and Lake District Joint Structure Plan 2001– 2016

Policy ST3: - Principles applying to all new development

All proposals for development including alterations to existing buildings and land use change will be required to promote sustainable development. They should protect the quality of the environment, ensure prudent use of resources and maintain social progress and economic growth by:

1. seek locations consistent with policy ST5, ST6, and ST7 which will assist in reducing the need to travel, and then in the following order of priority :
 - a) the appropriate reuse of existing buildings worthy of retention, followed by
 - b) the reuse of previously developed land and only then
 - c) the use of previously undeveloped land,
2. seek sites that are or will be made accessible by public transport, walking or cycling,
3. reduce the risk of flooding within the development and elsewhere by a choice of location in the following order of priority:
 - a) sites with little or no flood risk, followed by
 - b) sites with low or medium flood risk, and only then
 - c) sites in areas of high flood risk.

Design proposals should minimise or mitigate any flood risk and where practicable include sustainable drainage systems.

4. ensure agricultural land of poorer quality is used for development in preference to the best and most versatile agricultural land.
5. avoid the loss of, or damage to, and where possible enhance, restore or re-establish, important nature conservation features,
6. avoid the loss of or damage to, and wherever possible enhance important or distinctive conservation features including landscapes, buildings, archaeological sites, historic parks and gardens and visually important public and private open spaces,
7. ensure high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of

townscape and landscape, promote a safe and secure environment that designs out crime and makes proper provision for people with restricted mobility and people with special needs, using promote energy and water efficient design and the use of recycled materials and renewable energy technology, avoiding reductions in air or water quality and the quality and quantity of groundwater and surface waters, ensuring development makes efficient use of and is within infrastructure, community and service constraints, including the road and transport hierarchy and water supply, or that these can be satisfactorily overcome through planned improvements or at the developers expense without an adverse effect on the environment. Ensure minimal levels of light pollution and noise.

Cumbria and Lake District Joint Structure Plan 2001– 2016

Policy EM16: Tourism

New tourism facilities will be directed to Key Service Centres and to locations that enable the economic and physical regeneration of an area, where they bring benefit to the local community.

Tourism development will be permitted where this does not prejudice Cumbria's distinctive environmental, cultural and historic character and visitors enjoyment and understanding of it. The emphasis should be on sustaining these attributes and adding quality.

Tourism proposals in the Lake District National Park and AONBs will only be permitted where the statutory purposes of the designated areas are not contravened.

In the Lake District National Park changes of use or conversions which result in the loss of important tourism accommodation or public amenities will not be permitted unless they are demonstrated to be unviable.

Tourism development within or affecting the Lake District National Park and AONBs will only be permitted where:

1. it would not conflict with the special qualities of the designated areas or diminish opportunities for quiet enjoyment,
2. it would not introduce inappropriate activities or levels of use, or otherwise be of a nature and scale, detrimental to the character and quality of the environment, and
3. it would not result in the loss of serviced accommodation and of touring caravan pitches to other tourist uses.

Cumbria and Lake District Joint Structure Plan 2001– 2016

Policy E34: Areas and features of national and international conservation importance

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are

detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

- 1 there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and
- 2 In the case of international areas of nature conservation interest where:
 - i. There is no alternative solution; and
 - ii. There are imperative reasons of overriding public interest, including those of a social or economic nature; and
 - iii. If the site concerned hosts a priority natural habitat type and/or a priority species, where there are imperative reasons of human health or public safety or benefits of primary importance to the environment and
- 3 In the case of European Protected Species where:
 - i. There is no satisfactory alternative; and
 - ii. There is no detriment to the maintenance of the populations at a favourable conservation status in their natural range; and
 - iii. The proposed development is in the interests of public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance to the environment.
- 4 In the case of national areas of nature conservation interest, where the reasons for the development outweigh the national nature conservation value of the site.

Where development is permitted, mitigation should be provided, where appropriate.

Areas and features of international or national importance are defined as:

- World Heritage Sites recognised by the World Heritage Committee of UNESCO
- National Parks
- Areas of Outstanding Natural Beauty (AONB)
- Potential and classified Special Protection Areas (SPAs)
- Ramsar sites
- Candidate and designated Special Areas of Conservation (SACs)
- Limestone Pavements protected by Order
- National Nature Reserves
- Sites of Special Scientific Interest (SSSI)
- Statutory protected species
- Buildings or groups of buildings listed as of Grade 1 Grade II* or Grade II architectural or historic merit
- Parks or gardens listed as Grade I Grade II* or Grade II in the Register of Parks and Gardens of Special Historic Interest
- Sites of archaeological or historic interest which are scheduled ancient monuments

- Battlefields included in the Register of Historic Battlefields
- St Bees Heritage Coast

Date: 06/02/2007

Signed:



A C Eales
Head of Planning and Housing Services

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Advisory Notes

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
 - ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.
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1. The applicant is informed that there shall be no interference or obstruction of the public's right of way over footpath No. 134001.

Notice to Applicant of Rights of Appeal

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms and guidance can be downloaded from The Planning Inspectorate web site www.planning-inspectorate.gov.uk. Alternatively they can be obtained from the following address: -

The Planning Inspectorate

Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Telephone: 0117 372 6372

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Further Information

- The Planning Portal web site (www.planningportal.gov.uk) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

Purchase Notices

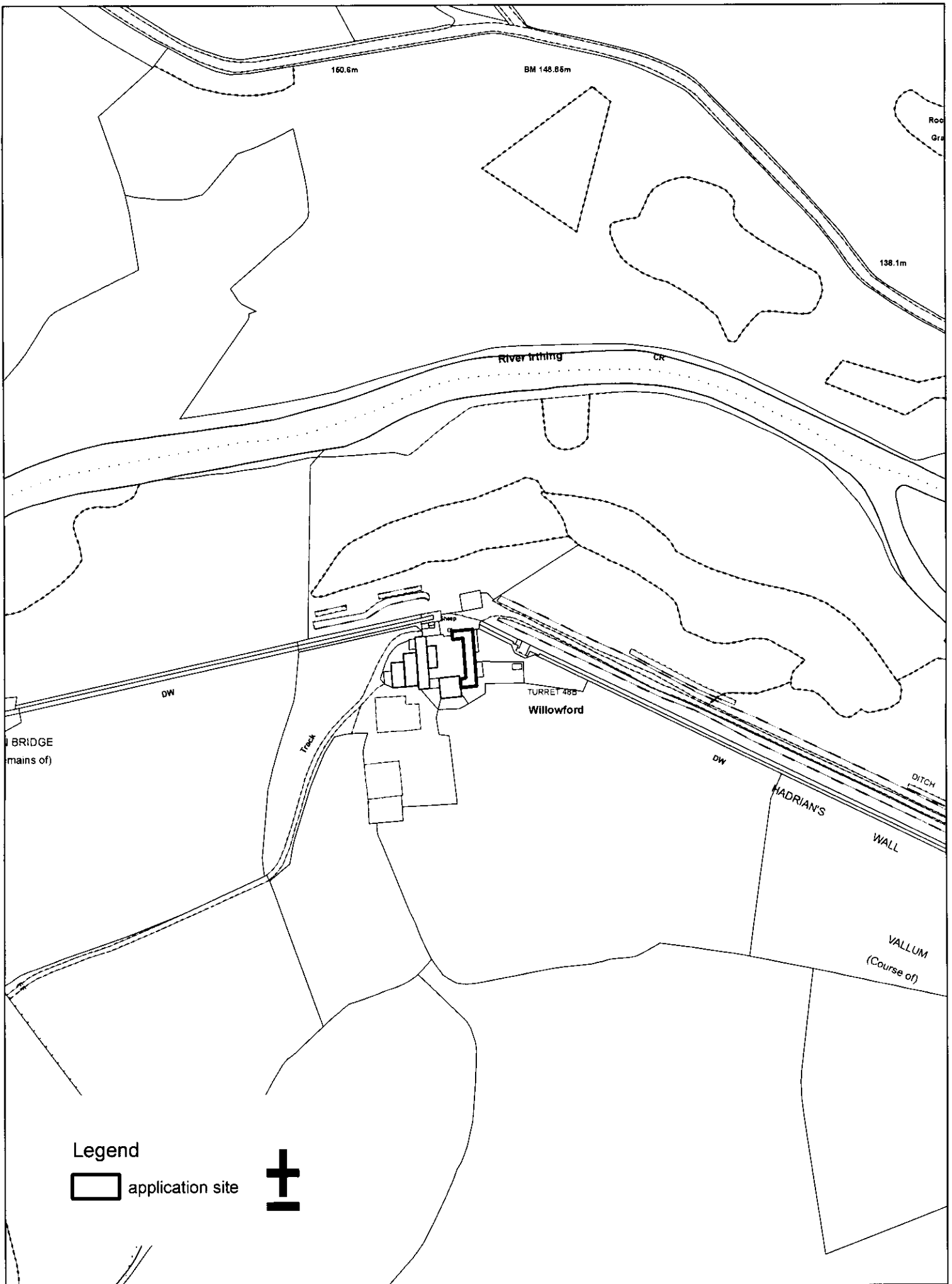
- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

Appendix 2

Site Notice



Legend

 application site



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Willowford Farm, Gilsland

Scale: 1:2,500 Date: 22/02/07

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Planning & Housing Services
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CARLISLE
CITY COUNCIL

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