

MELMERBY PARISH COUNCIL

Clerk: John Fleming, Fell View, Blencarn, Penrith, Cumbria, CA10 1TX

Tel 07768 468 634 melmerbypc@gmail.com.

Appeal by Mr B. Maurice and Miss Young under Section 78 of the Town and Country Planning Act 1990 Against the Refusal of Planning Permission by Eden District Council

- 1) **The Appeal Relates to the Eden District Councils Refusal**, as stated in red, to the Planning Application as stated below:-

Planning application number:	19/0101
Site address:	NUTWOOD MELMERBY PENRITH CA10 1HF
Description:	Change of use of agricultural land to mixed use of agriculture and sustainable tourism comprising of grazing land and up to 3no horse-drawn caravans. Re-submission of 17/0883.
Decision date:	18 April 2019
Decision type:	Full Refusal
Temporary expiry date:	
Decision level/committee:	Committee
Conditions / reason for refusal:	<p>1) The benefits of the proposal would not outweigh the demonstrable harm to the distinctive character of the North Pennines Area of Outstanding Natural Beauty (AONB) contrary to policies DEV1, DEV5, ENV2, ENV3 of the Eden Local Plan and paragraphs 170 and 172 of the National Planning Policy Framework.</p> <p>2) The development is unable to demonstrate acceptable access and parking arrangements contrary to Policy EC4 of the Eden Local Plan.</p>

- 2) **Melmerby Parish Council Objection:** - Melmerby Parish Council strongly objected to this Application No. 19/0101 and fully agreed with the, above stated, reasons for refusal, given by the Local Planning Authority. The Parish Council's observation made of – 8th March 2019 being: -

Proposal: Change of use of agricultural land to mixed use of agriculture and sustainable tourism comprising of grazing land and up to 3no horse-drawn caravans. Re-submission of 17/0883.

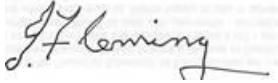
Location: NUTWOOD MELMERBY PENRITH CA10 1HF

Ref No: 19/0101

My Council strongly objects to the proposal detailed above.

The comments of my Council on the proposal detailed above are given below.

Yours faithfully



Mr. John Fleming, Locum Clerk to Ousby Parish Council

PARISH OBSERVATIONS:

Firstly, we refer you to Decision notice 18/0421 and in particular to clauses 5 and 6.

1) The hereby approved development and use shall be for a limited time period being 18 October 2032. At the end of this period the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought onto, or erected on the land shall be removed and the land restored to its condition before the development took place which in this case a grassed agricultural field. Reason - To ensure that the time limit for the duration of the development is set by the Local Planning Authority.

2) The hereby approved development shall be carried out in strict accordance with the application form dated 24 May 2018 and updated on 23 August 2018 and the plans submitted as well as the additional details received on 23 August 2018 and 26 September 2018. - Site design description statement, received 9 August 2018; - Site Plan, received 9 August 2018; - Design and Access Statement, dated April 2016; - Duration of development statement, received 26 September 2018; - Cabin floor plan; received 9 August 2018; - Cabin elevations, received 9 August 2018; Reason - To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

3) No more than two bow top caravans shall be stationed on the site at any time. Reason - To ensure a satisfactory development and to protect the landscape and amenity of the area.

5) No commercial activities shall take place on the land including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site. Reason - To protect the landscape and amenity of the area.

6) The site shall not be occupied by any other occupants other than that of the applicants and their children for the duration approved in condition 1 of this permission. Reason - To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

Secondly we refer you to the refusal Decision notice in respect of 17/0883:-

Retention of 2 bow top caravans and ancillary cabin dayroom and compost toilet as a residential unit for one gypsy-traveller family and the proposed use of land for the siting of 2 shepherd huts and 2 horse drawn caravans for holiday use, creation of pond, hardstanding and ancillary works.

This is an AONB, accessed by a delightful green lane and the Parish Council considers that it is totally inappropriate for this site to be developed as a sustainable tourism activity, particularly due to the increase vehicle traffic it will attract.

The points made in clauses 5 and 6 above and the refusal Decision Notice 17/0883 must be upheld

Melmerby Parish Council's Submission in Respect of Appeal Reference

APP/H928/W/19/3239535 Reference Development 19/0101

1. The Parish Council (PC) would wish the Planning Inspectorate to take heed of the above comments made on the 8th March 2019' relating to this Planning Application.
2. The PC fully support the refusal decision, along with the stated reasons, made by the Eden District Council Planning Department; namely: -
 - 1)The benefits of the proposal would not outweigh the demonstrable harm to the distinctive character of the North Pennines Area of Outstanding Natural Beauty (AONB) contrary to policies DEV1, DEV5, ENV2, ENV3 of the Eden Local Plan and paragraphs 170 and 172 of the National Planning Policy Framework.
 - 2) The development is unable to demonstrate acceptable access and parking arrangements contrary to Policy EC4 of the Eden Local Plan
3. The PC has no reason to change its mind regarding this decision. This view being supported by strong Parishioner opposition to the commercial development of this site.
4. The site is accessed by a delightful, tranquil, 'green lane', 'High Street', which is totally unsuited to the proposed tourism activity which is likely to be generated by the 'Wanderlusts' holiday venture, even if this is promoted as a 'low impact', 'green' holiday initiative.
(See images of 'High Street' below)
5. This holiday venture will generate vehicle parking issues, either on the 'Green Lane' or on a nearby highway. This again will compromise the tranquil nature of this immediate area. As stated by the Eden District Council Planning Office, the development is unable to demonstrate acceptable access and parking arrangements.
6. The PC is not opposed to tasteful commercial development, by any business entrepreneur, in an AONB, but does consider that this site is totally inappropriate. This opinion being strongly supported by Parishioners who feel that this development would detract from the enjoyment of this, quiet, tranquil and particularly special area.
7. The fact that this proposed business activity has associations with the 'Travelling Community' has no bearing, whatsoever, on the PC's position.
8. The PC is strongly of the opinion that the benefits of the proposal would not outweigh the damage this development would do to the distinctive character of this North Pennines AONB.
9. **The PC considers that the EDC Planning Officers have a very detailed knowledge and understanding of the village, the surrounding area and this site in particular, this knowledge and understanding greatly assisting them in coming to the decision, that was made in respect of this application, their reasoning being well-informed and accurate; the PC holds the Eden District Council Planning Officers in the greatest of respect.**
10. **The PC is firmly of the opinion that that this development is inappropriate on this site and would strongly recommend that, after due consideration, the Planning Inspectorate will uphold the refusal decision made by the Eden District Council Planning Authority.**

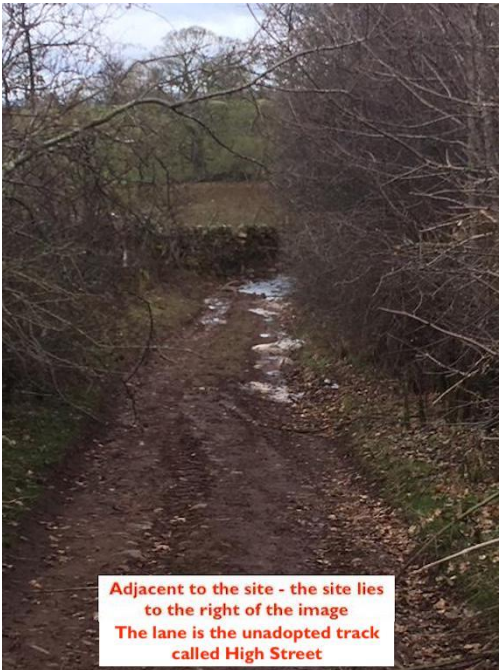


John Fleming
Parish Clerk, Melmerby Parish Council

Cllr C Jones, Chairman, Melmerby Parish Council.

Dated 16th December 2019

Images of 'High Street' - A Delightful, Tranquil, 'Green Lane Somewhere 'Special'



Access to 'High Street' is off this single-track road, which is totally unsuitable for the parking of vehicles, as identified by the EDC Planning Officers.

The development is unable to demonstrate acceptable access and parking arrangements contrary to Policy EC4 of the Eden Local Plan.