



Appeal Decision

Site visit made on 8 July 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/K0940/W/25/3363808

Land Adjoining The Old Manse (Former Old Rectory) Greystoke, Penrith CA11 0UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant an application for planning permission in principle.
- The appeal is made by Mr N Richards against the decision of Westmorland and Furness Council.
- The application Ref is 2024/1675/PIP.
- The development proposed is .

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for Permission in Principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining Planning Permission for housing-led development. The Permission in Principle consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for Permission in Principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if Permission in Principle is granted. I have determined the appeal accordingly.
4. Within its Appeal Statement the Council note that its first reason for refusal relating to the effect of the development on nearby heritage assets was included in error. The reasons section below reflects this and my assessment focuses on the second reason for refusal regarding the effect of the development on the Eden Special Area of Conservation.

Main Issues

5. In light of the above, I therefore identify the main issue to be:
 - whether the proposal would be habitats development under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. Permission in Principle must not be granted for proposals which are habitats development, and likely to have a significant effect on a qualifying European Site, unless the competent authority have ensured an appropriate assessment has been carried out.
7. As set out in the PPG, habitats development is defined as: i) Development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (either alone or in combination with other plans or projects); ii) is not directly connected with or necessary to the management of the site, and; iii) the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017.
8. The site lies within the catchment area of the River Eden Special Area of Conservation (SAC) where nutrient pollution arising from further overnight accommodation, unless mitigated or treated, is likely to adversely affect the integrity of the habitats concerned. There is no technical evidence before me to clearly demonstrate that the development would not result in increased nutrient pollution within the SAC. Accordingly, I am unable, therefore, to conclude other than that the proposed development would have an adverse effect on its integrity.
9. Overall, I conclude that the proposal would constitute habitats development which is excluded from a grant of Permission in Principle under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended). Consequently, it is development for which an application for planning permission is required. Such an application would be a matter for the Council to consider in the first instance.

Other Matters

10. The appeal site is proximate to the Old Rectory and St Andrews Church which are both Grade II Listed. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving their settings. The appeal site forms part of the historic layout and verdant surroundings of these buildings and makes a positive contribution to their significance. Notwithstanding this, the proposed scheme would provide a new dwellinghouse and allow for the retirement succession of the appellants racehorse business. However, it would not be appropriate for me to consider these matters further as Permission in Principle must not be granted for development which is habitats development and the consideration of these matters may not be the same if an application for planning permission were to be made to the Council in the future.
11. The Council considered the development site to be in a sustainable location within the village of Greystoke, which is identified as a key hub. Based on my site visit I have no reason to disagree with the Council on this matter.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed as it does not comply with Article 5B (1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

C Livingstone

INSPECTOR

