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31 March 2010

Your Ref: SL/2009/0838/FJC
Our Ref: PNW/5166/219/14

Dear Madam,

**TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009
CONSTRUCTION OF THIRTY FOUR DWELLINGS WITH ASSOCIATED VEHICULAR AND
PEDESTRIAN ACCESS AT BIGGINS ROAD, KIRKBY LONSDALE, CUMBRIA (APPLICATION
NO: SL/2009/0838)**

I refer to your letter dated 5 February 2010 and subsequent correspondence relating to the above planning application which was referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

As you know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that, in general, they should be free to carry out their duties responsibly with the minimum of interference.

There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine it himself instead of leaving it to the local planning authority. His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.

We have carefully considered all the matters raised about this application, including the objections and representations received from local residents and 3 local schools. The issue before the Secretary of State for decision is not whether the application should be granted planning permission but whether or not he should call it in for his own determination. The Secretary of State



considers that the main matters relevant to his decision in this case are his policies on housing in PPS3: Housing, his policies on sports provision and recreation in PPG 17: Planning for Open Space, Sport and Recreation and his policies on transport choices and highway matters in PPG13: Transport. Having carefully considered the relevant planning issues raised by this proposal, we have concluded that the Secretary of State's intervention would not be justified. Whilst of concern to the objectors, the proposed development would be of no more than local importance and it does not raise issues of such wider significance requiring a determination by the Secretary of State. The decision as to whether to grant planning permission will therefore remain with South Lakeland District Council.

In considering whether to exercise his discretion to call in this application, the Secretary of State has not considered the matter of whether this application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The local planning authority responsible for determining this application remains the relevant authority responsible for considering whether these regulations apply to this proposed development and, if so, for ensuring that the requirements of the Regulations are complied with.

The Article 14 Direction contained in our letter of 1 March 2010 is hereby cancelled.

I enclose a copy of a letter from Tim Farron MP about the proposed development. He has been informed that the Secretary of State has no jurisdiction in the matter and that his letter is being copied to the Council for consideration.

Yours faithfully

S A McDonald
Planning Casework Officer