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Planning Inspectorate
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By email to: feedback@planninginspectorate.gov.uk

23 September 2024

Complaint regarding appeal ref: APP/C9499/W/23/3323272
Land at Hoggs Hill, Barbon Low Fell, Casterton, Cumbria LA6 2JP

Thank you for your response, dated 15/8/24, to our letter dated 8/5/24 lodging a formal complaint regarding the handling of this planning appeal. Unfortunately, this response fails to address our concerns, particularly with regard to the need to take account of the new duty under S245 of the Levelling Up and Regeneration Act 2023 which applies even in the absence of regulations. The fact that the Secretary of State has not yet made regulations on this duty is irrelevant. As set out in the [Chief Planner's January 2024 letter](#) to local planning authorities, this new duty came into force on 26 December 2023 so should definitely have been applied when determining this appeal.

The response also fails to address our complaint about the way in which the Sandford Principle has been applied. As our original letter explained, it is clear that this Principle does apply to this particular planning application. The Sandford Principle requires that where there is a conflict between the two statutory purposes, precedence should be given to the first (conservation) purpose. As our letter noted, the appeal decision included a number of references to balancing the negative impact on the first purpose against the perceived benefits for recreational users of the area (and thus the contribution to the second purpose). The Inspector has, therefore, considered the Sandford Principle (without naming it as such) and applied it incorrectly and the response we received is wrong to dismiss this part of our complaint.

I am therefore writing to ask for our complaint to be reviewed by a Customer Team Manager, as is our right under Stage 2 of your complaints procedure.

Yours sincerely

Ruth Bradshaw
Policy and Research Manager
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