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26 September 2024

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

Relevant PINS Criterion for complaint: Staff have not properly followed Government planning policy or guidance, relevant legislation and the Planning Inspectorate's procedural guidance.

Thank you for your response, dated 15/8/24, to our letter dated 30/4/24 lodging a formal complaint regarding the handling of this planning appeal. We wish to progress to Stage 2 of your complaints process on the basis that the response does not adequately address our concerns.

Firstly, with regard to the need to take account the new duty under **s.245 of the Levelling Up and Regeneration Act 2023** which **applies even in the absence of regulations**. Your response claims the new duty does not yet apply as no regulations have yet been set out. The fact that the Secretary of State has not yet made regulations on this duty is irrelevant. As set out at page 7 of the [Chief Planner's January 2024 letter](#) to local planning authorities, this new duty came into force on 26 December 2023 and therefore should definitely have been applied when determining this appeal.

Secondly, in relation to the application of the **Sandford Principle**. Your response claims that the Sandford Principle is not relevant in this case. As we explained in our complaint, it is clear that Sandford does apply to this particular planning application. As the impact of the mast is harm to the first purpose, and the purported benefit of the mast is to visitors to the area (the second purpose), the conflict between the two purposes is evident. As we noted, the Inspector's decision contains several references to the balance and weighing up of the two statutory purposes. Clearly therefore the Inspector considered the Principle (despite not explicitly naming it in their decision), hence that aspect of our complaint. Your response, by stating the Sandford Principle is not relevant, is therefore erroneous.

Both these aspects are of deep concern as we can only assume similar errors have been and are being made in relation to other decisions.

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.

We recognise that our complaint cannot alter the decision on this appeal, but we would like a reassurance that arrangements have now been put in place to ensure that all Planning Inspectors are fully aware of the additional planning protections that apply in Protected Landscapes, including training on the application of the Sandford Principle and the new s.245 duty.

Signed

A handwritten signature in blue ink, appearing to read 'Michael Hill', written in a cursive style.

Michael Hill, CEO, Friends of the Lake District