

Planning Inspectorate [via contact form]
Room 3 O/P, Temple Quay House, 2 The Square
Temple Quay, Bristol, BS1 6PN

26 September 2024

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

Relevant Criterion for making a Complaint

This complaint on the basis that “staff have not properly followed Government planning policy or guidance, relevant legislation and our (i.e. Planning Inspectorate) procedural guidance”

Thank you for your response [dated 15 August 2024] to our formal complaint [dated 24 April 2024] to the above appeal decision. 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 **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 we explained in our complaint, it is clear that Sandford applies to this particular planning application. As we noted, the Inspector’s decision contains several references to the balance and weighing up of the two statutory purposes. Clearly the Inspector considered the Principle [without actually naming it in their decision] hence that aspect of our complaint. Your response, by stating the Sandford Principle is not relevant, is therefore erroneous.

We recognise that the decision on this particular appeal cannot be changed 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 S245 duty.

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.

Signed

Chair, Policy & Planning Committee, Friends of the Dales



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