

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/23/2169/0F1
2.	<b>Proposed Development:</b>	PROPOSED RESIDENTIAL DEVELOPMENT FOR ONE DWELLING
3.	<b>Location:</b>	LAND AT BARWISE ROW, ARLECDON
4.	<b>Parish:</b>	Arlecdon and Frizington
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: YES  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>This application relates to a plot of land situated on Barwise Road in Arlecdon. The site has agricultural fields to the west and north, further plots for development and sporadic dwellings to the east and a play area and open space for a community centre to the south.</p> <p><b>PROPOSAL</b></p> <p>This application seeks full planning permission for the erection of a 4 bedroomed dwelling.</p>

The proposed detached dwelling is designed as a dormer bungalow, including a kitchen/diner, utility room, en-suite bedroom and living room, further bedroom and study on the ground floor and two further bedrooms, a shower room, snug and gallery on the first floor.

The dwelling will be 12.7m in width with a further rear projection of 3m, 16.7 metres in length, an eaves height of 2.3 metres and an overall ridge height of 6.6 metres. A detached garage will be sited to the east of the dwelling.

Access will be taken from Barwise Road, with parking, turning and amenity space provided to the front of the property with a large garden to the rear.

The dwelling will be constructed from the following materials:

Roof – Dark grey interlocking concrete roof tiles with matching ridge

External Walls – Facing brick plinth and front gable elevation with artstone cills and K Rend Polymer render to all other elevations

Windows and Doors – UPVC with composite doors

Parking area – Tamacadum and concrete paviours

Boundary treatments – Existing hedgerow to site frontage to be retained and 1m stock proof fences to all other boundaries

No details of landscaping have been included as part of the application.

The application is accompanied by the following documentation:-

- Site Location Plan;
- Block Plan;
- Elevations;
- Floor Plans;
- Garage Plans;
- Surface Water Statement;
- Environmental Assessment;
- Design and Access Statement;
- Treatment Plant Details.

## **CONSULTATION RESPONSES**

Arlecdon and Frizington Parish Council

No response received.

Cumbria Highways and Local Lead Flood Authority



## Cumberland Council

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

### United Utilities

Standing advice.

### Public Representations

The application has been advertised by way of a site notice, press notice and neighbour notification letters issued to 1 no. property.

No responses have been received in relation to these advertisements.

## **PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### **Copeland Local Plan 2013- 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS2 – Sustainable Housing Growth

Policy ENV1 – Flood Risk and Risk Management

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 – Landscaping

**Emerging Copeland Local Plan (ELP):**

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28<sup>th</sup> March 2024.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this application are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards



## Cumberland Council

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Policy DS10PU: Soils, Contamination and Land Stability

Policy H6PU: New Housing Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

### **Other Material Planning Considerations**

National Planning Policy 2023 (NPPF)

Copeland Borough Council Housing Strategy 2018-2023 (CBCHS)

Copeland Borough Council – Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA)

National Design Guide (NDG)

Cumbria Development Design Guide (CDDG)

### **ASSESSMENT**

#### Principle of Development

Policy ST2 of the CS identifies Arlecdon/Rowrah as a Local Centre.

Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites.

Figure 3.3 of the supporting text to Policy ST2 identifies that the 14no. Local Centres will deliver not more than 45 dwellings per annum throughout the plan period based upon an annual housing requirement of 230 dwellings per annum.

The Application Site is located out with the settlement boundary for Arlecdon/Rowrah as defined in Policy ST2 of the CS.

Policy ST2 of the CS states that outside of the defined settlement boundaries, development is restricted to that which has a proven requirement for such a location, including... *housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use.*

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to developments relating to the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

In 2023, Copeland Borough Council produced an updated Five Year Housing Land Supply Statement which demonstrates a 7.1 year supply of deliverable housing sites against the emerging housing requirement calculated in the updated Strategic Housing Market Assessment (SHMA) and a 191 year supply against the Government's standard methodology figure. Copeland Borough Council has also met the most recent Housing Delivery Test.

Notwithstanding the above, the policies in the CS must still be considered out of date and only some weight can be given their content as far as they are consistent with the provisions of the NPPF.

The Local Plan 2021-2038 Publication Draft (ECLP) will, once adopted, replace the policies of the adopted Local Plan.

The ECLP has been drafted based upon an evidence base of documents which includes a updated Strategic Housing Market Assessment (SHMA). The SHMA calculates housing need in Copeland over the plan period 2017-2035 of 140 dwellings per annum. The ECLP confirms that to meet the housing need identified in the SHMA, development will be required beyond the existing development boundaries identified in Policy ST2 of the CS.

The ECLP continues to identify Arlecdon as a Local Centre reflective of the number and type of services it contains and identifies a settlement boundary around the town. The ECLP includes the site within the revised and extended settlement boundary for Arlecdon.

In the context of the above, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In applying the provisions of Paragraph 11:

- the Site would assist in a small way in boosting housing supply to meet the identified need for housing in Arlecdon and the wider Borough;
- the proposed development comprising a site of 0.01 ha is appropriate in size to the designation of the Arlecdon/Rowrah as a Local Centre in accordance with the spatial objectives of Policy ST2 of the CS;



## Cumberland Council

- the site is included within the revised and extended settlement boundary for Arlecdon and is therefore acceptable in accordance with Policy DS4PU of the ELP;
- the Site is located in close and convenient proximity to the services and employment opportunities located within Arlecdon/Rowrah for which the settlement has been designated as a Local Centre in Policy ST2 of the CS. The proposed development will support existing services and thus the aspiration of retaining these services; and,
- Some sustainable travel options exist within the vicinity, with a limited bus route serving the settlement and local cycle routes providing linkages to the National Cycle Network Route 71 as per the provisions of Policy DM22 of the DMP.

### Housing Need

Arlecdon/Rowrah falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA).

The SHMA suggest a particular focus on the delivery of three bedroom houses, semi-detached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The proposed development will reasonably deliver a detached four bedroom bungalow so will assist in providing a greater balance of market housing stock within Arlecdon/Rowrah accordance with the provisions of Policy SS3 of CS and Paragraph 61 of the NPPF.

### Settlement Character, Landscape Impact and Visual Impact

The Site is located in an area of Sub Type 5a Ridge and Valley landscape as defined in the Cumbria Landscape Character Guidance and Toolkit (CLCGT).

The Key Characteristics of the land comprise: a series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; and, large scale structures generally scarce.

The Guidelines for development include: discouraging the further nucleation of the settlement pattern; ensuring new development makes a contribution to the character of the area by respecting the form of villages e.g. linear along ridge lines, creates new focal spaces and takes advantage of attractive long views; and, carrying out village enhancement schemes including townscape environmental improvements, tree planting and establishment of attractive green spaces.

The Site comprises an area of undeveloped agricultural land located to the north of Barwise Row.

The settlement of Arlecdon is centred around Arlecdon Road, which runs approximately north-south and connects to Arlecdon Parks Road, which runs approximately east-west and

transitions into the settlement of Rowrah and Barwise Row which runs east to west from the A5086.

Barwise Row is principally characterised by linear frontage development on both sides of the highway.

The proposed development would comprise a continuation of the linear developed form of Barwise Row and so would respect the developed form and character of the settlement.

The development would impact upon localised views into and out of the settlement; however, these impacts would not result in a significant intrusion into the open countryside or significant and demonstrable harm to the local landscape character.

The proposed plot is similar to the existing plot to the east and the scale and layout does not result in harmful impacts upon settlement character.

The proposed therefore accords with the provisions of Policy ENV5 of CS, Paragraph 170 of the NPPF and the CLCT.

#### Layout, Scale, Design and Appearance

Policies ST1, DM10, DM11, and DM12 of the Local Plan, Policy DS6PU of the ELP and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

Initially, the submitted drawings showed a very large dwelling with an integrated garage, resulting in a significant frontage onto Barwise Row. Comprehensive discussions were undertaken with the Applicant's Agent in order to ensure that the dwelling would not create a dominant feature on the street scene and would fit in with the character of the surrounding properties.

The resulting amended dwelling submitted is of a more modest scale, being a bungalow with a low eaves and ridge height and utilizing the space in the roof. This will reflect the recently constructed dwellings to the east of the site. The front elevation includes a gable and windows with a vertical emphasis, demonstrating similar features to the other properties in the vicinity. It is considered that the dwelling sits neatly in the plot, allowing adequate space for amenity and maintenance of the property.

The dwelling includes windows on the side elevations of the ground floor. These will face towards the existing neighbouring dwelling to the east known as Grike View. Policy DM12 of the Copeland Local Plan outlines the minimum acceptable separation distances as 12m between habitable windows to blank elevations and 21m between two sets of habitable windows. Due to the siting of a detached garage between the proposed dwelling and the boundary fence which will block any potential overlooking impacts, these windows are considered to be acceptable. Full details of the proposed boundary fence have not been submitted, however, a high fence could ensure extra protection for both existing and future





## Cumberland Council

occupants. It is considered to be reasonable to add a planning condition to any approval to ensure that a 2m fence is constructed and maintained for this reason.

Details of the proposed materials have been provided with the application to include render and feature brick walls and a dark grey roof. The materials chosen are modern and will reflect the newly constructed dwellings on both Barwise Row and Arlecdon Road. The dwelling will be set back within the plot to retain the existing building line.

Overall, it is considered that the dwelling is of an appropriate scale, design and appearance and complies with Policy DM10 of the CS and DS6PU of the ELP.

### Access and parking

The plans show a single access point from the plot to Barwise Row. This is considered to be acceptable as it mirrors the layout of the existing dwellings.

Advice was sought from Cumbria Highways who raised no objections to the proposal. The parking area, including detached garage is considered to be sufficient to serve a dwelling of this size.

Provided that the access is constructed in accordance with the submitted plans, the proposal complies with Policy DM22 of the CS and CO7PU of the ELP.

### Landscaping

No details of the proposed boundary treatments or landscaping information has been provided to support the application. Details of landscaping can be secured by a planning condition.

### Drainage

The application form states that the foul drainage will connect to a package treatment plant – details of which have been received.

A drainage statement details how the drainage hierarchy has been considered and it is proposed that surface water will connect to a newly constructed soakaway to the rear of the property. This detail will be considered in full during the Building Regulations stage.

It is considered that the drainage complies with policies ENV1 and DM24 of the CS and DS8 and DS9PU of the ELP.

### Ecology

Policies ENV3 and DM25 of the CS and N1PU of the ELP protect international, national and locally designated sites and ensure that any development incorporates measures to protect and enhance any biodiversity interest.

There are no designations on the land at international, national or local level with regards to ecology. As the land is currently agricultural grazing land there is very little ecological or

habitat interest and therefore it is considered reasonable not to request any ecological surveys in this case.

Planning Balance and Conclusion

For the reasons outlined above, in assessing the proposed development, Paragraph 11 of the NPPF is engaged with the policies of the Development Plan which are most important for determining the application are to be considered out of date and it required that planning permission be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposed development is in clear conflict with the provisions of Policy ST2 of the CS with regards to the location outwith the settlement boundary for Arlecdon; however, given the importance of this policy to the determination of the application and its level of conformity with the NPPF, only limited weight can be given to this conflict in decision taking.

Policy DS4PU of the ELP identifies the site within the extended and revised settlement boundary for Arlecdon. It is therefore considered that the proposal meets local and national planning policies with regards to the principle of the residential development of the site.

The submitted details show a satisfactorily scaled, modern bungalow which has been appropriately sited within the plot to reduce its impact on the character and appearance of this part of the village. Although modern materials are proposed these are appropriately detailed and are likely to produce a satisfactory finish that reflects the contemporary nature of the design and surrounding modern properties.

The proposed access point is appropriately sited to achieve a safe and convenient entrance to the plot and adequate provision of parking and turning can be achieved to serve a single dwelling.

Full details of landscaping and boundary treatments are required and can be secured by planning conditions.

Overall, the proposal is deemed to be acceptable and, based on the information submitted, will result in an acceptable form of sustainable development which will be consistent with the policy requirements set out in the Local Plan and the guidance contained with the NPPF.

8. **Recommendation:**

Approve (commence within 3 years)



**Cumberland  
Council**

9. **Conditions:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Application form, received 12th June 2023;

Site Location Plan and Block Plan, scales 1:1250 and 1:200, drawing number DP/KT/23/05, received 16th January 2024;

Proposed Floor Plans, scale 1:100, drawing number DP/KT/23/02, received 16th January 2023;

Proposed Elevations, scale 1:100, drawing number DP/KT23/01, received 16th January 2023;

Proposed Garage Plans and Elevations, scale 1:100, drawing number DP/KT/23/03, received 5th October 2023;

Surface Water Statement, document number WP/KT/23/(SW), received 12th June 2023;

Environmental Assessment, document number DP/KT/23/EA, received 12th June 2023.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Prior to the first occupation of the dwelling hereby approved, the access and parking must be fully constructed and brought into use in accordance with the approved plans. The access and parking must be retained as such at all times during the lifetime of the development.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in order to ensure that there is no antisocial parking in accordance with Policy DM22 of the Copeland Local Plan.

4. Prior to the first occupation of the dwelling hereby approved, full details of hard and soft landscaping must be submitted to and approved by the Local Planning Authority. Once approved, the scheme must be implemented in accordance with the plans and retained as such at all times thereafter.

Reason

To ensure a satisfactory appearance in the interests of visual amenity and in accordance with Policy DM26 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, a 2 metre high, close boarded boundary fence must be erected on the eastern and western boundaries of the site. The fences must be retained and maintained at all times for the lifetime of the development.

Reason

To ensure that the amenity of the neighbouring dwellings is maintained and in accordance with Policy DM12 of the Copeland Local Plan.

**Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer: Sarah Papaleo**

**Date : 14/03/2024**

**Authorising Officer: N.J. Hayhurst**

**Date : 14/03/2024**



**Cumberland  
Council**

---

**Dedicated responses to:- N/A**