

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2070/0E1
2.	<b>Proposed Development:</b>	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED USE - 60 ONE STOREY ACCOMMODATION CELLS WITH 15 ANCILLARY CELLS INCLUDING MULTI USE AREAS, STORES, STAFF AREAS & A SERVERY
3.	<b>Location:</b>	H M PRISON, NORTH LANE, HAVERIGG
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads
6.	<b>Publicity Representations &amp; Policy</b>	
7.	<b>Report:</b>	
	<b>Site / Location</b>	<p>The site is located on the edge of the village of Haverigg, some 3km to the north west of Millom which is a key service centre within the Borough.</p> <p>It forms part of the operational crown land belonging HMP Haverigg and lies to its immediate southwest. It is situated within the prison boundary and is relatively flat, low lying-in character. Triangular in shape, the site is bounded to the north and west by existing prison buildings. To the south and east it adjoins the main prison security fence and beyond open agricultural grazing land.</p> <p>Although the site itself does not benefit from any sensitive designations, it is within close proximity to the coastal sand dunes of the Duddon Estuary SSSI which along with Morecambe Bay also benefits from the European designations of a SPA (Special Protection Area) SAC (Special Area of Conservation) and RAMSAR (Designated Wetlands of International Importance). The Lake District National Park (UNESCO World Heritage Site) boundary also lies approximately 2km to the north east.</p>

## **Proposal**

This application seeks a lawful development certificate for a proposed development on the site which is deemed to constitute permitted development by virtue of Schedule 2 Part M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposal is for the installation of prisoner accommodation in the form of 60 single storey modular and 15 ancillary units comprising:

- One block of 11 cells including 3 slightly larger mobility cells.
- Two blocks of 12 cells each including 3 mobility cells.
- One block of 13 cells.
- One block of 12 mobility cells.
- Two blocks of ancillary units to be used for storage, interview, dispensary, servery, laundry and meeting rooms.
- There will also be intervening grassed areas and a separate plant room.

It is intended to be used as short term prisoner accommodation should the need arise.

## **Consultations**

Although there is no formal requirement to consult for an LDC representations have been received from Millom Town Council who raise no objections.

## **Relevant Planning Policy/ Legislation**

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Planning Practice Guidance

## **Assessment**

A Certificate of Lawful Development (Proposed) establishes whether a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990, that is, development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.



## Cumberland Council

This application seeks to determine whether the proposed erection of 60 modular accommodation cells and 15 ancillary units as described above would be lawful, i.e. that the proposal would not require an application for formal planning permission.

The proposed development has been assessed under Schedule 2, Class M of Part 7 Schedule 2 of the GPDO 2015 (as amended). The GPDO was further amended in December 2023 - The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 – as follows:

Class M of the GPDO permits; the erection, extension or alteration of a school, college, university, **prison** or hospital building subject to certain criteria being met:

Development is not permitted by Class M;

- If the cumulative footprint of any erection, extension or alteration under Class M on or after 21st December 2023 would exceed the greater of— (i) 25% of the cumulative footprint of the school, college, university, prison or hospital buildings as it was on 21st December 2023; or (ii) 250 square metres;

In this case i) applies – the development would not exceed 25% of the cumulative footprint of the prison. The footprint of HMP Haverigg, (as it stood on 21st December 2023) is 30,148sq.m. The floorspace limit available under PD rights is therefore 7,537 sq.m. The footprint of the proposed modular units is 1,011 sq.m, which is within PD limits.

- b) in the case of a college, university, prison or hospital building, if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;

Can confirm it would not be within 5m of the curtilage - the units are located some 15m from the southern fence line and 5m from the eastern fence line.

- c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

c) does not apply.

- d) if the height of any new building erected would exceed— (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or (ii) in all other cases, 6 metres;
- da) if the height of any rooftop structure would exceed 1.5 metres;
- e) if the height of the building as extended or altered would exceed— (i) if within 10 metres of a boundary of the curtilage of the premises, the lesser of the height of the building being extended or altered or 5 metres; or (ii) in all other cases, the height of the building being extended or altered;

All the proposed accommodation and ancillary units are single storey (circa 2.8m high) and well within these limits.

	<ul style="list-style-type: none"> <li>■ It has been established that the site is within the ownership of the Ministry of Justice and is on operational crown land.</li> <li>■ The site is not within the curtilage of a listed building.</li> <li>■ Additional units will help to support inmates physical and mental wellbeing through short-term prison population pressures or maintenance and refurbishment projects.</li> <li>■ Contamination and flood risk has also been assessed.</li> </ul> <p><b>Conclusion</b></p> <p>Taking the above into account, it has been adequately demonstrated that the proposed development comprising the erection of 60 accommodation and 15 ancillary cells at HMP Haverigg meets the requirements and constitutes permitted development under Class M, Part 7, Schedule 2 of the GPDO 2015 (as amended) and as such a certificate of lawfulness can be granted.</p>		
8.	<p><b>Recommendation:</b> Approval of Certificate of Lawfulness</p>		
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<p><b>Dedicated responses to:-</b></p>			