

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2116/0E1	
2.	Proposed Development:	CERTIFICATE OF LAWFUL DEVELOPMENT FOR THE SITING OF A STATIC CARAVAN FOR RESIDENTIAL PURPOSES IN CONNECTION WITH THE AGRICULTURAL USE OF THE LAND	
3.	Location:	SMALL HOLDING, DALZELL STREET, MOOR ROW	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location This application relates to an existing small holding located off Dalzell Street, to the north of Moor Row. The land currently sites a static caravan and a number of existing buildings. Relevant Planning History No relevant planning history. Proposal This application seeks a lawful development certificate for the siting of a static caravan for		

residential purposes in connection with the agricultural use of the land.

Consultation Responses

There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Egremont Town Council

Town Councillors are concerned about the number of structures on the site that appear to be contrary to planning permission and that this may encourage more in the future. Councillors hope that Cumberland Council carry out a full site visit to see how unsightly the area is.

Planning Policy

Town and Country Planning Act 1990 – Section 191 as amended by Section 10 of the Planning and Compensation Act 1991

Assessment

A lawful development certificate enables applicants to establish whether a proposed or existing development is lawful for planning purposes. In this instance it is claimed that the caravan subject to this application has been site on this land for residential purposes for more than 10 years.

The following evidence has been submitted to support this lawful development certificate:

- Application Form, received by the Local Planning Authority on the 8th April 2024.
- Proposed Site & Block Plan (Amended), Scale 1:50, 1:500 & 1:1250, Ref: SH-WR-004, received by the Local Planning Authority on the 16th October 2024.
- Proposed Site & Block Plan (Amended), Scale 1:1250 & 1:2500, Ref: SH-WR-006, received by the Local Planning Authority on the 16th October 2024.
- Supporting Statement – Dr Gemma Kirkby, received by the Local Planning Authority on the 8th April 2024.
- Supporting Statement – Helen Conaghan, received by the Local Planning Authority on the 8th April 2024.
- Supporting Statement – Ian Hunter, received by the Local Planning Authority on the 8th April 2024.



Cumberland Council

- Supporting Statement – Mr & Mrs Agnew, received by the Local Planning Authority on the 8th April 2024.
- Supporting Statement – Sandra Spedding, received by the Local Planning Authority on the 8th April 2024.
- Supporting Statement – Wendy Rigg, received by the Local Planning Authority on the 8th April 2024.
- Supporting Statement – Wendy Rigg, received by the Local Planning Authority on the 3rd May 2024.
- Photographic Evidence (Amended), received by the Local Planning Authority on the 27th June 2024.
- Statutory Declaration – Gemma Kirby, received by the Local Planning Authority on the 19th June 2024.
- Statutory Declaration – Ian Hunter, received by the Local Planning Authority on the 19th June 2024.
- Supporting Statement, received by the Local Planning Authority on the 25th July 2024.

Advice has been sought from the Council's Legal Team regarding the level of information submitted to support this application. The Legal Officer has confirmed that whilst the submitted supporting information is light on detail, there isn't any conflicting evidence to contradict the application, therefore on the balance of probabilities the information is sufficient.

On the basis of this Legal advice, and on the evidence submitted, it is reasonable to conclude that, on the balance of probability and based on the facts of the case and the relevant planning law it is reasonable to conclude that the siting and use of the static caravan in connection with the agricultural use of the land is lawful.

On this basis it is appropriate for a lawful development certificate to be granted in this case.

8. **Recommendation:**
Approval of Certificate of Lawfulness

Case Officer: C. Burns

Date : 16.10.2024

Authorising Officer: N.J. Hayhurst

Date : 17.10.2024

Dedicated responses to:-

