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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Miss Nicola Vernon
Tamarisk
Drigg
Holmrook
CA19 1XG

APPLICATION No: 4/24/2231/0F1

ERECTION OF TWO AGRICULTURAL BUILDINGS (PART RETROSPECTIVE)

TAMARISK, DRIGG, HOLMROOK

Miss Nicola Vernon

The above application dated 26/06/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

Standard Conditions

1. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:
 - Application Form (Amended), received by the Local Planning Authority on the 31st July 2024.
 - Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 26th June 2024.
 - Site Plan (Amended), Scale 1:500, received by the Local Planning Authority on the 9th July 2024.
 - Building A Plans, received by the Local Planning Authority on the 26th June

2024.

- Building B Plans, received by the Local Planning Authority on the 26th June 2024.
- Building A Proposed Site Image, received by the Local Planning Authority on the 26th June 2024.
- Building B Proposed Site Image, received by the Local Planning Authority on the 26th June 2024.
- Supporting Photos 1/2, received by the Local Planning Authority on the 26th June 2024.
- Supporting Photos 2/2, received by the Local Planning Authority on the 26th June 2024.
- Design and Access Statement, received by the Local Planning Authority on the 26th June 2024.
- Appendices 1-4, received by the Local Planning Authority on the 26th June 2024.
- BNG Habitat Baseline Plan, Scale 1:300, received by the Local Planning Authority on the 26th June 2024.
- Post Development Habitat Plan, Scale 1:300, received by the Local Planning Authority on the 26th June 2024.
- Biodiversity Net Gain Plan, received by the Local Planning Authority on the 7th August 2024.
- Biodiversity Net Gain Plan Signed, received by the Local Planning Authority on the 8th August 2024.
- Statutory Biodiversity Metric Condition Assessment, received by the Local Planning Authority on the 2nd August 2024.
- Statutory Biodiversity Metric Calculation, received by the Local Planning Authority on the 31st July 2024.

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.

BNG Conditions:

2. The development hereby approved must be carried out in accordance with and implement all the mitigation measures set out in the following approved documents:
 - BNG Habitat Baseline Plan, Scale 1:300, received by the Local Planning Authority on the 26th June 2024.
 - Post Development Habitat Plan, Scale 1:300, received by the Local Planning Authority on the 26th June 2024.

- Statutory Biodiversity Metric Condition Assessment, received by the Local Planning Authority on the 2nd August 2024.
- Statutory Biodiversity Metric Calculation, received by the Local Planning Authority on the 31st July 2024.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

3. Prior to the first use of both buildings hereby approved a Biodiversity Net Gain Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Other Conditions:

4. The development must be carried out in accordance with and implement all of the Wildlife Friendly Habitats set out in the following approved documents:
 - Design and Access Statement, received by the Local Planning Authority on the 26th June 2024.
 - Appendices 1-4, received by the Local Planning Authority on the 26th June 2024.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ENV3, and DM25 of the Copeland Local Plan 2013-2028.

Informatives:

1. The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Way 405020.
2. The Public Right of Way 405020 as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, extinguish or to temporarily close them has been confirmed.
3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
(b) the local planning authority has approved the plan.
The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

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.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read 'N. S. Hayhurst' with a stylized flourish at the end.

Nick Hayhurst
Head of Planning and Place
Inclusive Growth and Placemaking

19th September 2024

**APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.