

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2357/0F1
2.	Proposed Development:	SELF BUILD FOR PROPOSED DWELLING & DETACHED GARAGE
3.	Location:	LAND ADJACENT TO GROVE COTTAGE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location <p>This application relates to a parcel of land adjacent to Grove Cottage in Cleator.</p> <p>The adjacent site was previously in use as the Grove Court Hotel. It has recently been demolished.</p> <p>The site has open space to the north east and north west, an access road to the south and a residential dwelling (Grove Cottage) to the west.</p> <p>The Application Site is located within the designated development boundary for Cleator.</p>	

Relevant Planning History

Dwelling, refused in September 1991 (application reference 4/91/0728/0 relates);

Erection of building for staff accommodation, approved in November 2009 (application reference 4/09/2390/0 relates);

Erection of building for staff accommodation (renewal of previous approval 4/13/2233/0F1), approved in September 2018 (application reference 4/18/2019/0F1 relates).

Proposal

This application seeks planning permission for the erection of a self build dwelling and detached garage.

The proposed dwelling will be located to the front of the plot with a large garden to the rear. The proposed dwelling will measure 12.7 x 9.1m with an eaves height of 2.2m and an overall height of 4.5m.

Internally the proposed development will incorporate 3 bedrooms and 2 bathrooms, an open plan kitchen/dining/living room and separate utility room.

A separate single detached garage will be sited to the rear of the plot.

Externally the development will be finished with rendered blockwork and a slate roof, UPVC window and doors, a masonry boundary wall and a permeable block paved drive.

The proposed dwelling will be accessed via the existing access serving the dwellings to the west.

Consultation Responses

Cleator Moor Town Council

No objections.

Highways and Local Lead Flood Authority

No comments.

United Utilities

No objections.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to ten properties.

Planning Policy

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

Development Plan

Copeland Local Plan 2021-2038

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 2021-2038 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:

- Strategic Policy DS1 - Settlement Hierarchy
- Strategic Policy DS2 - Settlement Boundaries
- Strategic Policy DS3 - Planning Obligations
- Policy DS4 - Design and Development Standards
- Policy DS5 - Hard and Soft Landscaping
- Strategic Policy DS6 - Reducing Flood Risk Policy
- Strategic Policy DS7 - Sustainable Drainage
- Policy DS8 – Soils, Contamination and Land Stability
- Strategic Policy H1 - Improving the Housing Offer
- Strategic Policy H2 - Housing Requirement
- Strategic Policy H3 - Housing delivery

- Strategic Policy H4 - Distribution of Housing
- Strategic Policy H5 - Housing Allocations
- Policy H6 - New Housing Development
- Policy H7 - Housing Density and Mix Strategic
- Policy H8 - Affordable Housing
- Strategic Policy N1 - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2 - Local Nature Recovery Networks
- Strategic Policy N3 - Biodiversity Net Gain
- Strategic Policy N6 - Landscape Protection
- Strategic Policy CO4 – Sustainable Travel
- Policy CO5 – Transport Hierarchy
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Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Self Build and Custom House Building Act 2015

Assessment

Principle of Development

The application site relates to an existing brownfield site which is located within the existing settlement boundary for Cleator, which is classified as a Local Service Centre under the settlement hierarchy set out in Policy DS1 of the Copeland Local Plan. Policy DS1 seeks to support appropriately scaled development within the defined physical limits of development as appropriate; medium scale housing extensions, windfall and infill development.



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Policy DS2 of the LP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

As the site is located within the settlement boundary for Cleator and is surrounded by other residential uses, the principle of developing the site for residential use is acceptable.

Housing Need - Self Build

This application proposes the development of a self-build dwelling.

The Self-build and Custom Housebuilding Act 2015 and the Self-build and Custom Housebuilding (Register) Regulations 2016 place a duty on relevant local planning authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. It is required that local planning authorities have regard to each self-build and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

Housing and Planning Act 2016 places a duty on a relevant local planning authority to grant permissions for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each defined base period.

It is confirmed that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the Self-build Register of the relevant local planning authority. The Copeland Self-Build Register includes 20no. interested persons/parties which have been registered since 2017. No interest has been registered by the applicant for this site.

No persons have been added to the register in the last base period. The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build reasonably exceed the identified need; however, it is accepted that the register does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

The Copeland Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and accessibility.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 states that the Borough's landscapes will be protected and enhanced by supporting proposal which enhance the value of the Boroughs landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact,

scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5d 'Lowland – Urban Fringe'. The Key Characteristics of the land comprise: long term urban influences on agricultural land, recreation, large scale buildings and industrial estates and wooded valleys, restored woodland and some semi-urbanised woodland.

The Guidelines for development include: considering opportunities to enhance and strengthen green infrastructure to provide a link between urban and rural, protecting green areas from sporadic and peripheral development, protecting countryside from development, the careful siting of any new development in non-prominent locations and along major roads – develop schemes to improve visual awareness of the individual settlements.

The application site relates to a brownfield site within a residential area, directly adjacent to a number of existing residential properties. As the development is surrounded by existing development the proposal is not considered to have any major impact on the overall landscape and is complementary to the existing built form of this part of the settlement.

The proposal is therefore considered to comply with Policy N6 of the Local Plan, and the provisions of the NPPF.

Scale, Design and Impact of Development

Policy DS4 of the Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Policy H6 of the Local Plan states that new housing developments will be supported when the design, layout, scale and appearance of the development is appropriate to the locality, consideration is given to the local, natural, cultural and historical assets and landscape character, acceptable levels of amenity is provided, privacy is proposed through distance or good design, the development will have no unacceptable overbearing impact on neighbouring residents due to scale, height and/or proximity, the layout promotes active travels, adequate parking is provided, and the proposal does not constitute inappropriate development of a residential garden which would harm the character of the area.

The initial plans submitted showed a two storey dwelling with a balcony on one side which overlooked the existing property to the west. Conversations with the Agent were undertaken due to concerns relating to loss of privacy and amenity for the neighbouring occupiers and a

full re-design was submitted. The bungalow proposed will have a far lesser impact on the neighbouring dwelling and is considered to be acceptable. The proposed materials and the modern design reflect the neighbouring dwellings.

Overall, the design of the proposed dwelling is considered to reflect the surrounding dwellings within this part of the village. Whilst the submitted plans make reference to the proposed materials, specific details have not been provided. An appropriately worded planning condition will therefore be imposed in order to secure full material details prior to their use within the development.

On the basis of the amended detail for this application and the proposed condition, it is considered that the development would be in accordance with Policies DS4 and H6 of the Local Plan, and the NPPF.

Access, Parking and Highway Safety

Policies CO4, CO5 and CO7 of the LP promote active travel.

The proposed dwelling will be accessed via the existing access serving the existing dwellings at Cross Grove. The proposed single detached garage and driveway for off street parking is considered to be sufficient for the proposed dwelling and this provision should prevent on street parking or nuisance for other properties.

The Highway Authority have offered no comments on this application. Given the sites previous use the creation of a single dwelling at this site is not considered to have a significant detrimental impact on highway safety.

It is therefore considered that based on the above, the proposal meets the aims of Policies CO4, CO5 and CO7 of the Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policies DS6 and DS7 of the Copeland Local Plan and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policies within the Copeland Local Plan reinforce the focus of protecting development against flood risk.

The application site is located within Flood Zone 1, therefore no Flood Risk Assessment has been submitted. The application form sets out that surface water will be drained to a soakaway and foul water to the main sewer system.

The Local Lead Flood Authority and United Utilities have raised no objections to the proposals and therefore they are considered to be acceptable. However, as full details have yet to be received, it is considered reasonable to include a planning condition to ensure that drainage details are approved prior to the occupation of the dwelling.

The planning condition will ensure that proper drainage is secured within the site and will manage the risk of flooding and pollution, ensuring that the development complies with

Policies DS6 and DS7 of the LP and the provisions of the NPPF.

Ecology and Biodiversity Net Gain

Policy N1 of the LP seeks to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1 of the LP defines a mitigation hierarchy.

Policy N3 of the LP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1 above. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements. Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun because the application falls within the definition of a self-build property, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.

A condition will therefore be included on the decision notice for this application to ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act.

Based on the inclusion of this condition, it is considered that the development complies with policies N1 and N3 of the Local Plan and NPPF.

Planning Balance & Conclusions

The application site is located within the defined settlement boundary for Cleator, which is identified as a Local Service Centre where new housing will be supported. The principle for developing the site for residential purposes is therefore established. The development will assist in delivering in the Council's aspiration to promote custom and self-build development, building on current demand and recognising the flexibility it offers people in terms of layout and accessibility. This is given significant weight.

Following the submission of additional and amended information, the proposal now incorporates a development which is of a scale and design which reflects the surrounding properties and is not considered to have a detrimental impact on the nearby residential properties. This is given significant weight.

The site will be accessed from the existing road which serves Cross Grove. No objections have been received from the Highway Authority. The proposal is not considered to have any adverse impacts on existing highways conditions given the existing use of the access from



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	<p>the residential estate. This is given moderate weight.</p> <p>As full details of drainage have not been provided, this will be secured by an appropriately worded planning condition. This is given moderate weight.</p> <p>A condition will ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act to comply with BNG requirements. This is given moderate weight.</p> <p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">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: - <p>Application form, received 23rd October 2024;</p> <p>Location Plan, proposed floor plan and elevations, scales 1:1200 and 1:100, drawing number 6056 1 B, received 25th February 2025;</p> <p>BNG Exemption Statement, received 23rd October 2024.</p> <p>Reason</p> <p>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.</p>

Prior to Erection of External Walling Conditions

3. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DS4 of the Copeland Local Plan.

Prior to Occupation Conditions

4. Prior to the occupation of the development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - I. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - II. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - III. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - IV. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - V. Foul and surface water shall drain on separate systems.

The approved schemes must also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

Other Conditions

5. At least two months prior to the first occupation of the dwelling hereby approved, details of the person or persons who are to be the first occupants of the dwelling and confirmation that the dwelling is to comprise their sole or main residence shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the districts self-build requirement, in accordance with National Policy.

6. The dwelling hereby approved must be constructed as a self-build and custom housebuilding dwelling within the definitions of self-build and custom housebuilding as contained in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The first occupation of the dwelling hereby permitted must be as the sole or main residence of a person or persons who had primary input into the design and layout of the dwelling.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the districts self-build requirement, in accordance with National Policy.

7. The detached garage hereby approved must not be occupied at any time other than for purposes ancillary to the residential property also approved under this application

and must not be used for any business purposes whatsoever.

Reason

In the interest of residential amenity and to restrict inappropriate uses within the area in accordance with Policy DS4 of the Copeland Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings / buildings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity and in accordance with Policy DS4 of the Copeland Local Plan.

Informative Notes

Biodiversity Net Gain – Exemption

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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption – The development comprises a self-build dwelling.

Coal Authority Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this



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should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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 : 31/03/2025

Authorising Officer: N.J. Hayhurst

Date : 04/04/2025

Dedicated responses to:- N/A