

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2394/001
2.	Proposed Development:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED INCLUDING APPROVAL OF ACCESS FOR SELF/CUSTOM BUILD DETACHED DWELLING AND GARAGE
3.	Location:	SOUTHCROFT, WOODEND, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Potential Area for Great Crested Newts, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location: <p>The Application Site comprises part of the curtilage of the property known as Southcroft, Woodend, Egremont.</p> <p>Woodend comprises a small settlement located between the larger settlements of Bigrigg, Cleator and Egremont. The A595 is located to the west and the A5086 is located to the east.</p> <p>An existing access serving Southcroft exists to the U4030 101. Off street parking exists within the curtilage serving Southcroft.</p> <p>Southcroft comprises a two-storey dwelling set within a large curtilage that slopes steeply from west to east.</p> <p>The curtilage was previously heavily vegetated with mature and semi-mature deciduous and evergreen trees. The trees within the curtilage have recently been clear felled.</p> <p>Clints Quarry Site of Special Scientific Interest is located to the west.</p>	

The Application Site is located in Flood Zone 1.



Directly Relevant Planning History:

4/24/2347/0F1 – Proposed single storey side extension – Approved subject to planning conditions.

Proposal:

This application seeks Outline Planning Permission for the erection of 1no. self/custom build dwelling.

Approval is sought for access, with appearance, landscaping, layout and scale reserved for subsequent approval.

It is proposed to increase the width of the existing access serving Southcroft to the U4030 101 to 8m in width and create separate 4m wide access drives set back approximately 4m from the boundary of the plot.

It is proposed to discharge foul water to a package treatment plan and surface water to soakaway.

The Applicant is seeking an exemption from biodiversity net gain on the basis that the proposed is a self/custom build dwelling.

Consultee:	Nature of Response:
Town Council	<p>This proposal is for a self-build dwelling in a back garden, therefore no objections as long as:</p> <ul style="list-style-type: none"> • Highways department are satisfied that a safe access can be made between the new dwelling and the existing neighbouring dwellings • The planning officer is satisfied that there is at least going to a 12 metre gap between and dwelling that would be located on the land and existing windows on neighbouring properties. • The planning officer is satisfied that there is going to be at least a 21 metre gap between any proposed windows of the new dwelling and any windows of existing dwellings.
Cumberland Council – Highways and LLFA	<p>Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:</p> <p>Inadequate information has been submitted to satisfy the Local Planning Authority.</p> <p>The application is showing a widening of the access but has not provided any further information i.e, visibility splays, vehicle access and hard standing, boundary treatments, surface water discharge.</p> <p>Further information and clarification is required for the following:</p> <p>Visibility Splays.</p> <p>The development proposes an increase in use, widening of the access and is in a 60 mph zone, the applicant needs to supply a scaled plan showing what the visibility splays are for the proposed access, in this area 215m x 2.4m measured to the nearside kerb/verge in both directions unless a speed survey is undertaken to determine the 85th percentile speed.</p> <p>It is worth noting that there is a proposal to change the TTRO in this area to reduce the speed limit to 30 mph, (this will effect the required visibility</p>

		<p>splays) this has been agreed but is unlikely to come into force until April 2025, the applicant may wish to consider deferring their application until that time.</p> <p>Surface Water.</p> <p>No provision has been made within the site for the disposal of surface water, the applicant will need to provide sufficient drainage to prevent surface water discharging onto or off the site at the access point.</p> <p>Access Finish/Materials</p> <p>No information has been provided to confirm surface finish of the proposed access, It is advised that the Local Planning Authority where possible seeks the applicant to use permeable paving for paved surfaces and driveways and other forms of permeable discharge to ground and surface water reuse/retention.</p> <p>We recommend a holding objection until further information is submitted to the LPA.</p> <p>Upon receipt of the above information I will be able to provide a further response.</p>
	United Utilities	<p>United Utilities has no further comment on this application.</p> <p>UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE</p> <p>It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development.</p> <p>We recommend the applicant visits our website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: Working near our pipes - United Utilities</p> <p>United Utilities will not allow building over or in close proximity to a water main. United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities.</p>

		<p>Any construction activities in the vicinity of United Utilities' pipelines, including pipelines that may be outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines' which can also be found on our website: standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf (unitedutilities.com)</p> <p>The level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense.</p> <p>Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.</p> <p>DRAINAGE</p> <p>We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.</p> <p>National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:</p> <ol style="list-style-type: none"> 1. into the ground (infiltration); 2. to a surface water body;
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		<p>3. to a surface water sewer, highway drain, or another drainage system; 4. to a combined sewer.</p> <p>The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.</p> <p>In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.</p> <p>WATER EFFICIENCY IN NEW DEVELOPMENT</p> <p>Local planning authorities have the option to set additional technical requirements in respect of water use for the construction of new build dwellings, exceeding the minimum standards required by Building Regulations. All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day as set out in Building Regulations Approved Document G. Where there is a clear local need, a local planning authority's development plan policies can require new-build dwellings to meet the other Building Regulations optional requirement of 110 litres of water used per person per day. If your adopted development plan includes a policy that implements the other water efficiency standard for newbuild dwellings in Part 3 of Building Regulations, you should ensure that this is a condition of any planning permission you may grant. You should also consider whether there is any adopted development plan policy relating to a water efficiency in the construction of non-residential development. As this is a matter for the local planning authority / building control body, United Utilities would not be involved in the discharge of conditions relating to water efficiency.</p>
	Emergency Planning Officer	<p>This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.</p> <p>The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumberland Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:</p>

<https://legacy.cumberland.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

The location of the land does sit within a distance of 10km from the Sellafield site, an area known as the Outer Consultation Zone (OCZ) but after viewing the details of the application, the opinion is that the plan for this development is not of significance in relation to this particular zone, and, therefore, liaison with the applicant is not required.

There are no objections to the proposed works.

Neighbour Responses:

The application has been advertised by way of a planning application site notice and press notice.

No representations have been received.

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 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 - 2039 (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.

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 DS7: Sustainable Drainage
 Policy DS8: Soils, Contamination and Land Stability
 Policy DS9: Protecting Air Quality
 Strategic Policy H1: Improving the Housing Offer
 Strategic Policy H2: Housing Requirement
 Strategic Policy H3: Housing Delivery
 Strategic Policy H4: Distribution of Housing
 Policy H6: New Housing Development
 Policy H7: Housing Density and Mix
 Strategic Policy H8: Affordable Housing
 Policy H11: Community-led, Self-build and Custom Build housing
 Strategic Policy SC1: Health and Wellbeing
 Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity
 Strategic Policy N3: Biodiversity Net Gain
 Policy N5: Protection of Water Resources
 Strategic Policy N6: Landscape Protection
 Strategic Policy N9: Green Infrastructure
 Policy N14: Woodlands, Trees and Hedgerows
 Strategic Policy CO2: Priority for improving transport networks within Copeland
 Strategic Policy CO4: Sustainable Travel
 Policy CO5: Transport Hierarchy
 Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF).
 Planning Practice Guidance (PPG).
 National Design Guide (NDG).
 The Conservation of Habitats and Species Regulations 2017 (CHSR).
 Self-build and Custom Housebuilding Act 2015 (SCHA)
 Self-build and Custom Housebuilding (Register) Regulations 2016 (SCHR)

Assessment:

Principle

Policy DS1 of the LP defines the settlement hierarchy for the Copeland area.

The Application Site is located within the settlement of Woodend, which is located between the settlements of Bigrigg, Cleator and Egremont. Woodend is located in an area defined as Open Countryside in Policy DS1



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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.

Woodend being in defined Open Countryside does not have and is not located within a defined settlement boundary.

Policy DS2 of the LP states: *To ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases:*

1) Where the proposal is for housing and;

a) the site is well related to and directly adjoins an identified settlement boundary; and

b) the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and

c) the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or

- there has been previous under-delivery of housing against the requirement for 3 years or more or*

- the proposal is for a specific type of housing supported by Policies H15, H16 or H17.*

Policy H1 of the LP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.

Policy H5 of the LP allocates land for housing purposes.

Policy H15 outlines support for rural exception sites.

Policy H16 outlines support for essential dwellings for rural workers.

The Application Site is not allocated for residential development.

A five year housing land supply can be demonstrated in the former Copeland area of Cumberland Council and the housing delivery test has been passed.

The principle of market led housing is not supported in Woodend.

Self and Custom Build

Policy H11 of the LP states self and custom build housing will be supported where the development accords with the Development Plan and makes a positive contribution to the street-scene. A design code will be required for all developments over five units.

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. The most recent additional to the Register was made on the 18th May 2021. Since May 2021, planning permission has been approved for sufficient serviced plots to meet the demand for self-build and custom housebuilding identified on the Register specific regard the Whitehaven Housing Market Area. Major planning permissions have been approved for serviced plots at Moresby Parks (4/21/2327/0R1 – 19 plots), Cleator (4/22/2092/0O1 – 21 plots), Summergrove (4/22/2237/0O1 and 4/23/2104/0O1 – up to 70 plots). Numerous minor planning permissions have been approved across the housing market area.

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 Copeland.

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.

The development is in clear conflict with the provisions of Policy DS1 and Policy DS2 of the LP; therefore, the provisions of Policy H11 of the LP does not weigh in favour of the development.

Given the number of serviced plots approved within the Whitehaven Housing Market Area, the development comprising self-build development does not outweigh the conflict with the provisions of Policy DS1 and Policy DS2 of the LP.

Settlement Character, Landscape Impact and Visual Impact:

Woodend comprises a small settlement principally comprising linear frontage development following the highways with some nucleated development to the north.

The Application Site is located to the south of the settlement within an area comprising linear frontage development.

The Application Site comprises the south/east of the curtilage of Southcroft.

Any dwelling would comprise backland development that would be located to the rear of existing dwelling.

Any dwelling by virtue of its location and form would be at odds with the prevailing developed form and character in this area of the settlement to its detriment.

The impacts of the development would be increased by the clearance of the vegetation from the Application Site.

Flood Risk and Drainage

The Application Site is located within Flood Zone 1.

The development comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not identified as being at risk from surface water flooding.

It is proposed to discharge foul water to a package treatment plant and surface water to soakaway.

There is no mains drainage infrastructure within the proximity of the Application Site; therefore, discharge of a package treatment plant is in accordance with the drainage hierarchy.

Discharge of surface water to soakaway is in accordance with the drainage hierarchy. No technical information or percolation testing has been completed to demonstrate that discharge to soakaway is deliverable.

Given the existing dwellings in the area, a scheme of drainage is reasonably deliverable; therefore, a planning condition could be imposed requiring the submission, approval and implementation of a detailed drainage scheme.

Ecology

The Application Site comprises an area of residential curtilage.

The Application Site was previously heavily vegetated with mature and semi-mature deciduous and evergreen trees. The trees have recently been clear felled.

The Application Site now has limited ecological interest following the removal of the trees and vegetation.

The development is unlikely to adversely impact upon protected or local important species.

The Applicant is seeking an exemption from biodiversity net gain on the basis that the proposed is a self/custom build dwelling.

Given the scale and nature of the development proposed and the previous clearance of the Application Site, adverse impacts upon the interest features of the Clints Quarry SSSI will not reasonably occur.

Amenity

Given the scale, form and location of the Application Site in relation to the existing dwellings, with careful design and placement of fenestration, a dwelling could reasonably be accommodated without adverse impacts upon the living conditions of the occupants through overlooking, loss of light, overshadowing or overbearing.

Highways

An existing access serving Southcroft exists to the U4030 101. Off street parking exists within the curtilage serving Southcroft.

It is proposed to increase the width of the existing access serving Southcroft to the U4030 101 to 8m in width and create separate 4m wide access drives set back approximately 4m from the boundary of the curtilage.

The U4030 101 is the subject of a 60mph speed limit; therefore, visibility splays of 215m x 2.4m measured to the nearside kerb/verge in both directions are required to be achieved unless a speed survey is undertaken to determine the 85th percentile speed which justifies a departure/reduction.

It has been confirmed that there is a proposal to change the TTRO in this area to reduce the speed limit to 30 mph and this has been agreed but is unlikely to come into force until April 2025. This will reduce the visibility splays required.

No information has been provided in relation to visibility splays, vehicle access, hard standing and boundary treatments.

Insufficient information has been provided to demonstrate that the proposed access will be safe and will not result in adverse impacts upon the safe operation of public highway.



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	<p><i>The Planning Balance</i></p> <p>Woodend is located in defined Open Countryside outside of a defined settlement boundary. The erection of a new-build self-build dwelling in this location is in conflict with the provisions of Policy DS1 and Policy DS2 of the LP.</p> <p>Given the conflict with the provisions of Policy DS1 and Policy DS2 of the LP, the provisions of Policy H11 of the LP does not weigh in favour of the development.</p> <p>Given the number of serviced plots approved within the Whitehaven Housing Market Area, the development comprising self-build development does not outweigh the conflict with the provisions of Policy DS1 and Policy DS2 of the LP.</p> <p>The Application Site comprises the south/east of the curtilage of Southcroft. Any dwelling would comprise backland development that would be located to the rear of existing dwelling. Any dwelling by virtue of its location and form would be at odds with the prevailing developed form and character in this area of the settlement to its detriment. The impacts of the development are increased by the clearance of the vegetation from the Application Site.</p> <p>Insufficient information has been provided to demonstrate that the proposed access will be safe and will not result in adverse impacts upon the safe operation of public highway.</p> <p>The development is in clear conflict with the provisions of the development plan.</p>
8.	<p>Recommendation:</p> <p>Refuse</p>
9.	<p><i>Reasons for Refusal</i></p> <p><i>Reason 1</i></p> <p>The proposals comprise the erection of a new-build self-build dwelling within the curtilage of the dwelling known as Southcroft which is located in the settlement of Woodend.</p> <p>Woodend is located in an area defined as Open Countryside where new-build market housing development is not supported.</p> <p>The local planning authority has approved enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area as required by Housing and Planning Act 2016.</p> <p>The development is in conflict with the provisions of Policy DS1, Policy DS2 and Policy H1 of the Copeland Local Plan 2021 - 2039.</p> <p><i>Reason 2</i></p>

<p>Woodend is a small settlement principally comprising linear frontage development following the highways with some nucleated development to the north. The Application Site is located to the south of the settlement within an area comprising linear frontage development. The Application Site comprises the south/east element of the curtilage of the dwelling known as Southcroft. Any new build dwelling erected on the Application Site would comprise a form of backland development located to the rear of existing dwelling which by virtue of its location and form would be at odds with the prevailing developed form and character in this area of the settlement to its detriment.</p> <p>The development is in conflict with the provisions of Policy DS4 of the Copeland Local Plan 2021 - 2039.</p> <p>Reason 3</p> <p>An existing access serving Southcroft exists to the U4030 101. It is proposed to increase the width of the existing access serving Southcroft to the U4030 to 8m in width and create separate 4m wide access drives set back approximately 4m from the boundary of the curtilage. The proposed development would result in a material increase in traffic movements utilising the access. The U4030 101 is the subject of a 60mph speed limit; therefore, visibility splays of 215m x 2.4m measured to the nearside kerb/verge in both directions are required to be achieved to the access unless a speed survey is undertaken to determine the 85th percentile speed which justifies a departure/reduction. Insufficient information has been provided to demonstrate that the acceptable visibility splays can be achieved and that the development will not result in adverse impacts upon the safe operation of public highway.</p> <p>The development is in conflict with the provisions of Policy CO2 of the Copeland Local Plan 2021 - 2039.</p> <p>Statement</p> <p>The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan 2021-2039 and the National Planning Policy Framework. In this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.</p>	
<p>Case Officer: C. Harrison</p>	<p>Date : 22.01.2025</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 22.01.2025</p>
<p>Dedicated responses to:- N/A</p>	