

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2423/0F1
2.	Proposed Development:	REPLACEMENT OF A 2 BEDROOMED STATIC CARAVAN WITH A 2 BEDROOMED LODGE
3.	Location:	SMALL HOLDING, DALZELL STREET, MOOR ROW
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2 (part of blue line only), 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>The Application Site comprises a 4.8 hectare parcel of land off Dalzell Street in Moor Row. The land is currently utilised for agricultural purposes and comprises a variety of structures and shelters.</p> <p>There is a farm on the opposite side of the road which is the closest neighbour to the application site.</p> <p>Access to the site is taken directly from Dalzell Street.</p>	

RELEVANT PLANNING APPLICATION HISTORY

- Agricultural building for storage and feed, pig, pen and hen house, approved in January 2001 (application reference 4/00/0756/0 relates);
- Retention of stable block/loose box and erection of pitched roof on existing open sided shed, approved in March 2010 (application reference 4/10/2033/0F1 relates);
- Certificate of lawful development for the siting of a static caravan for residential purposes in connection with the agricultural use of the land, approved in October 2024 (application reference 4/24/2116/0E1 relates).

PROPOSAL

This full planning application seeks approval for the removal of the 2 bedroomed static caravan currently in situ and its replacement with a 2 bedroomed lodge.

The lodge would be 3.1m in overall height, 2.2m to the eaves, 12.4m in length and 6m in width. It is to be constructed of grey composite cladding with a black felt shingles roof, with grey UPVC windows and doors.

The lodge contain an open plan kitchen/dining room, a lounge, utility room, two bedrooms and two bathrooms.

Car parking is available within the site to serve the development.

CONSULTATION RESPONSES

Egremont Town Council

Councillors note that the lodge is bigger in size than the caravan, however they feel that this is more in keeping within the site. Councillors would recommend, however, that Cumberland council ask for a landscaping scheme be submitted and approved to reduce the impact on the landscape. Councillors also recommend that before planning permission is given, a condition is put in place to address other structures that have sprung up on the site and which could, if not addressed, become a blot on the landscape.

Highways and Local Lead Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood

Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Environment Agency

No response received.

Environmental Health

1st response

It is noted that the surface water drainage from this development is to be connected to the package treatment plant.

In order to work efficiently, package treatment plants should deal with foul effluent only.

A large / sustained influx of rainwater in to the package treatment plant can cause foul effluent to be flushed through without proper treatment.

Consequently the quality of the discharge may be markedly poor and can give rise to localised pollution and eventual run-off and contamination to the River Keekle.

Can the surface water be disposed of via an acceptable alternative arrangement such as a soakaway or even to water butt/s, so that it is kept out of the package treatment plant?

Otherwise, the proposed development is acceptable to Environmental Health.

2nd response

Thank you for the above planning consultation and the amended proposed site drainage plan, dated January 2025.

This confirms that the surface water from the development will be discharged directly to a watercourse, with the foul effluent being directed to a package treatment plant.

As such, Environmental Health have no objections to this development.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

No responses have been received as a result of these advertisements.

PLANNING POLICIES

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

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 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 2021-2039 (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.

The policies relevant to this application are as follows:

- Strategic Policy DS1 – Settlement Hierarchy
- Strategic Policy DS2 – Settlement Boundaries
- Strategic Policy DS4 – Design and Development Standards
- Policy DS5 - Hard and Soft Landscaping
- Strategic Policy DS6 - Reducing Flood Risk Policy
- Policy DS7: Sustainable Drainage
- 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 H18 - Replacement Dwellings outside Settlement Boundaries
- Policy H21 – Residential Caravans
- 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
- Policy CO7 – Parking Standards

Other Material Planning Considerations

National Planning Policy (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Cumbria Development Design Guide (CDDG)

ASSESSMENT

Principle of Development

Policy DS1 of the LP sets out a settlement hierarchy and identifies Moor Row as a Sustainable Rural Village where small scale infill and rounding off housing will be permitted.

Policy DS2 defines settlement boundaries for those settlements identified as suitable for growth.

The application site lies close to Moor Row and is approximately 200m from the defined settlement boundary.

Policy DS2 seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location, including housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, affordable housing and the conversion of rural buildings to residential use.

Policy H1 of the ELP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live.

Policy H4 of the EP outlines that 10% of new housing development will be located within the Sustainable Rural Villages.

Policy H5 of the ELP allocates land for housing purposes.

The Application Site is located beyond the defined settlement boundary for Moor Row as defined within the LP.

The Application Site is not allocated for housing development.

The development comprises a market led new build residential unit which will replace the existing static caravan on the site.

Policy H18 allows the provision of replacement dwellings provided that the scale, massing, siting and design are similar and there is sufficient access and parking for the proposal.

Policy H21 permits new residential caravans in exceptional circumstances.

A Lawful Development Certificate was issued in 2024 which confirmed that the existing static

caravan on the site is a lawful residential dwelling. This has established the principle of a residential caravan on the site. The replacement of this caravan with a new lodge meets the exception defined under Policy DS2 and falls to be determined against Policies DS4, H18 and H21 of the LP. These are considered below.

Design and Residential Amenity

Policy DS4 of the LP seeks a high standard of design and to protect residential amenity. Policy H18 permits replacement dwellings provided that they are of an appropriate scale and design and doesn't adversely affect the landscape or highway safety.

The lodge is of a typical design for a rural site of this character and is similar in scale to the existing static caravan. It would be of a modern construction comprising grey cladding. The existing static caravan is in a poor condition and is in need of refurbishment. It is considered that the replacement lodge will provide betterment for the overall site utilising modern materials.

The closest dwelling is on the opposite side of the of the road – Lodge Farm, approximately 50 metres to the west of the site. Whilst the Local Plan does not prescribe separation distances, the relationship with this dwelling is considered to be acceptable and it is unlikely that there will be any issues with overlooking or loss of amenity. It does not change the existing situation with the static caravan.

Overall, the proposal is considered to be compliant with the policies within LP with regards to design and the protection of residential amenity.

Highway Safety and Parking

Policy CO7 of the LP seeks to ensure a suitable and safe access and sufficient parking standards for all development. Policy H18 also seeks to ensure that any replacement dwellings are served by an adequate access and parking provision.

Access to the site will be taken directly from Dalzell Street with space available of the parking of up to 10 cars within the site. This is sufficient to meet the requirements set out within the Cumbria Design Guide.

The proposed development would not impact upon the surrounding highway conditions.

No objections were received from the Highways Authority.

The proposal is considered to comply with Policies CO7 and H18 of the LP.

Flood Risk and Drainage

The Application Site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Application Site is not shown to be liable to surface water flooding.



Cumberland Council

Originally, it was proposed to connect the caravan to the main sewer system that serves the site. Following comments from Environmental Health, the Agent for the application submitted a revised plan to show the surface water connecting to an existing water treatment plant which would then be discharged to the watercourse. This was confirmed to be acceptable and no further objections were raised.

It is considered that the proposal will comply with Policies DS6 and DS7 of the LP.

Landscape Impact

Due to the nature of the application, whereby a direct replacement is being undertaken, no landscaping for the scheme has been proposed.

It was noted on the conducted site visit that the site is agricultural in character with various structures, buildings and machinery present on the site.

Whilst some landscaping would have been preferable, it is considered that the replacement lodge will provide betterment for the site in terms of the visual appearance of a newly constructed lodge. The siting of the lodge would ensure that it is not widely visible from outside the site.

Biodiversity Net Gain

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

Policy N3 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. 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.

Biodiversity Net Gain became mandatory for small sites in the UK on 01st April 2024.

This development does not comprise a material increase in floor space, therefore it is considered to be exempt from BNG requirements.

Town Council Comments

Whilst it is noted that there are many other structures and buildings on the site, some have historic planning permission. Any concerns relating to unauthorised development would fall to be considered through the Council's Enforcement Procedure. The application for the replacement lodge falls to be determined on its merits.

Planning Balance and Conclusion

The existing residential caravan on the site is lawful and this has established the principle of development. This is not subject to any occupancy restrictions.

The proposal for a replacement lodge is considered to be acceptable and will result in

	<p>improvements to the visual appearance of the site. The proposed siting of the lodge will limit its visual appearance in the localised surrounding landscape. This is afforded significant weight in the planning balance.</p> <p>Details relating to design, highway safety, drainage and BNG have been fully assessed and are considered to be acceptable. This is considered to carry weight within the planning balance.</p> <p>In overall terms, any impacts of the development are not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development when assessed against the policies in the LP and the guidance set out in the NPPF when taken as a whole.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>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> <p>Application form, received 13th December 2024; Proposed Site and Block Plan, scales 1:1250 and 1:500, drawing number SH-WR-004B, received 13th December 2024; Proposed Site and Block Plan, scales 1:2500 and 1:1250, drawing number SH-WR-006B, received 13th December 2024; Existing and Proposed Floor Plans, scale 150, drawing number SH-WR-003, received 13th December 2024; Proposed Elevations, scale 1:50, drawing number SH-WR-002B, received 13th December 2024; Existing and Proposed Drainage Plans, scales 1:100, 1:250 and 1:1250, drawing number SH-WR-005B, received 24th January 2025; Design and Access Statement, drawing number DAS-001B, received 13th December 2024.</p>



Cumberland Council

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.

3. Prior to the erection of the lodge hereby approved, the static caravan must be completely removed from site.

Reason

To ensure that the static caravan is replaced in accordance with Policy H18 of the Copeland Local Plan.

Informative

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 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 : 13/03/2025

Authorising Officer: N.J. Hayhurst

Date : 19/03/2025

Dedicated responses to:- N/A

