

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2028/001
2.	Proposed Development:	OUTLINE APPLICATION (WITH SOME MATTERS RESERVED) & INCLUDING APPROVAL OF ACCESS AND LAYOUT FOR ERECTION OF TWO SELF BUILD OR CUSTOM BUILD DWELLINGS
3.	Location:	THE CROSS, SNECKYEAT ROAD, WHITEHAVEN
4.	Parish:	Weddicar
5.	Constraints:	ASC;Adverts - ASC;Adverts, Listed Building - Listed Building, Coal - Standing Advice - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor, High Pressure Pipeline - High Pressure Pipeline
6.	Publicity Representations & Policy	See Report
7.	Report: Site Location <p>This application relates to an area of land adjacent to a dwelling known as “The Cross”. The Cross is a Grade II Listed Building which forms part of a small collection of buildings that lie within the open agricultural land to the east of Sneckyeat Industrial Estate and the West Cumberland Hospital.</p> <p>The site is bound by a large stone wall and is accessed off an unadopted lane that connects onto Sneckyeat Road to the north.</p> Relevant Planning History <p>4/88/0250/2 - CONVERSION OF BARN TO DWELLING & PART BARN TO, EXTENSION TO EXISTING DWELLING – Approved August 1988</p>	

4/89/0166/0 - CHANGE OF USE FROM PRIVATE HOUSE TO PRIVATE HOUSE, AND GUEST HOUSE – Approved May 1989

4/89/1080/0 - BARN CONVERSION FOR TWO DWELLINGS AND GARAGES – Approved December 1990

4/19/2433/001 - OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR SINGLE DWELLING – Approved July 2020.

4/21/2429/0F1 - CONVERSION OF AN EXISTING BUILDING TO A ONE BEDROOMED RESIDENTIAL DWELLING WITH NEW EXTERNAL STAIRWAY WITH GLAZED BALLUSTRADE – Approved December 2022

Proposal

This application seeks Outline Planning Permission for the erection of 2no. self/custom build dwellings.

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

The proposed dwellings are to be located to the rear of The Cross within an area of land that is currently defined by a large stone wall. A former Coach House associated The Cross is located on the south western boundary of the site.

Access to the site is to be achieved by demolishing a section of the existing garden wall. This will allow the use of the unadopted lane which currently serves the other buildings within the group to be used. This lane connects onto Sneckyeat Road to the north west.

It is proposed to drain the proposed development using a soakaway and foul drainage will be disposed off using a new package treatment plant. No details have been supplied of the detailed drainage proposals,

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

Consultation Responses

Parish Council

No response received within the consultation period

Highway Authority /Local Lead Flood Authority

After a recent site visit it is noted that this application is located on a private road and does not affect any PROW's, with this in mind this application falls under the SLA.

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

United Utilities

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:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

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.

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Conservation and Design Officer

Description:

The Cross is a grade II listed house dating from the early 19th century. The site is a former walled garden located to the north of it, which is within its curtilage for listing purposes.

Conclusion: Recommend refusal

Assessment:

- The site is the former walled garden of The Cross. Although now out of use, it retains its wall, which has a physical and formerly functional relationship to the house. It therefore

contributes to its significance, and has significance of its own. It is part of a layout of supporting elements associated with the house including the carriage yard immediately to the rear, the coach house, the walled garden, and the gateways.

- The principle of creating a house in this location appears questionable and there is no clear justification for the need, which appears to only entail harm to these designated heritage assets.
- Being listed, listed building consent would be required to form the proposed opening that is shown in the wall to allow access to the two dwellings.
- The level of detail included with an outline application is not sufficient to allow the impact of the proposal to be understood on the listed structures. Therefore, a full application would be required, including a heritage statement that reviews the significance of the affected assets.
- Based on the outline layout, it appears that the aspiration is for very standard house design, of a form that might more typically be found in a new, volume development. The layout does not suggest the necessary sensitivity has been deployed in arriving at this foundation, on which the further design development would be based. In approving this application, we would be locking in foundational design decisions that are both lacking in detail and justification, and also point in an unconvincing direction, as far as they go.
- If the principle for developing a house (or houses) here could be established – and I don't believe it has - design would need to be sophisticated, sensitive and detailed.

Additionally:

- I have observed on a previous site visit in June 2021 that the wall near its eastern corner had received some repairs that had left it without copings and with its core open in places to the sky. This needs remedying, if it has not already, as damage will otherwise be sustained in only a few years.
- I also noted that the gate piers at the north corner of the garden wall, on the track, which are also considered within its curtilage, had been encroached upon by sycamore saplings, which will rapidly damage them if left.
- These are not related to my assessment of the impact; just observations.

Summary:

- Principle of developing a house here does not appear well established. Principle of developing two houses would presumably need to be greater than one. The approval of residential conversion of the Coach House does not appear to me to set a precedent for the construction of new houses within the Walled Garden.
- An outline application is not sufficient to allow the impact of such a proposal to be taken into consideration.

- A listed building consent would be needed due to the intention to insert an opening into the garden wall. The document assessing curtilage, which I previously provided, has been reproduced in the Heritage and Design Report with two of its four pages missing, including the part about the Walled Garden. It should be noted that list descriptions are not an inventory of what is covered by the listing, but a descriptive paragraph allowing the asset to be identified. This is why there is a process for assessing the extent of curtilage, and why the NPPF requires proposals affecting heritage assets to be assessed using relevant expertise where necessary.
- I suggest withdrawing the application, confirming what is likely to be acceptable or unacceptable in principle, and then submitting a full application, with listed building consent for works to the wall, for a scheme that is sufficiently sensitive and innovative to preserve or enhance the significance of the affected heritage assets.

Planning Policy

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

<p>Strategic Policy DS6: Reducing Flood Risk</p> <p>Policy DS7: Sustainable Drainage</p> <p>Policy DS8: Soils, Contamination and Land Stability</p> <p>Policy DS9: Protecting Air Quality</p> <p>Strategic Policy H1: Improving the Housing Offer</p> <p>Strategic Policy H2: Housing Requirement</p> <p>Strategic Policy H3: Housing Delivery</p> <p>Strategic Policy H4: Distribution of Housing</p> <p>Policy H6: New Housing Development</p> <p>Policy H7: Housing Density and Mix</p> <p>Strategic Policy H8: Affordable Housing</p> <p>Policy H11: Community-led, Self-build and Custom Build housing</p> <p>Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity</p> <p>Strategic Policy N3: Biodiversity Net Gain</p> <p>Strategic Policy N6: Landscape Protection</p> <p>Strategic Policy N9: Green Infrastructure</p> <p>Strategic Policy BE1: Heritage Assets</p> <p>Policy BE2: Designated Heritage Assets</p> <p>Policy BE4: Non Designated Heritage Assets</p> <p>Strategic Policy CO2: Priority for improving transport networks within Copeland</p> <p>Strategic Policy CO4: Sustainable Travel</p> <p>Policy CO5: Transport Hierarchy</p> <p>Policy CO7: Parking Standards</p> <p>Other Material Planning Considerations</p> <p>National Planning Policy Framework (NPPF).</p> <p>Planning Practice Guidance (PPG).</p> <p>National Design Guide (NDG).</p> <p>The Conservation of Habitats and Species Regulations 2017 (CHSR).</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)</p> <p>Self-build and Custom Housebuilding Act 2015 (SCHA)</p>
--

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 outside of the built up area of Whitehaven in an area defined as Open Countryside in Policy DS1

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.

The site 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 this location.

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.

	<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><u>Heritage Assets</u></p> <p>The Application Site forms part of the former walled garden associated with The Cross. Although the former garden is now out of use it retains its wall which has a physical and formerly functional relationship to the house. It therefore contributes to its significance. It is part of a layout of supporting elements associated with the house including the carriage yard immediately to the rear, the coach house, the walled garden and the gateways. All of these structures are considered to fall within the curtilage of the Listed Building and consequently Listed Building Consent would be required for the proposed development. No such application has been submitted.</p> <p>The redevelopment of the site for housing including the installation of an opening within the existing wall would entail harm to the designated heritage assets. There is insufficient justification and detail to allow any meaningful assessment of the impact of the proposal on the listed structures. Without this level of detail the proposed development cannot be deemed suitable to preserve or enhance the significance of the affected heritage assets.</p> <p>In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Policy BE2, it is considered that as proposed the development will result in substantial harm to the significance of the setting of the Grade II Listed Building.</p> <p>The Planning Balance</p> <p>The Application Site 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>In applying the statutory duties of the LBCA and the relevant provisions of the NPPF and the Policy BE2, it is considered that as proposed the development will result in substantial harm to the significance of the setting of the Grade II Listed Building. This level of harm would not be outweighed by the resulting benefits of the provision of additional housing and the associated minor economic benefits to the local economy.</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>Reasons for Refusal</p> <p><u>Reason 1</u></p> <p>The proposals comprise the erection of new-build self-build dwellings within the curtilage of the dwelling known as The Cross which is located outside the settlement of Whitehaven.</p> <p>The Application Site 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><u>Reason 2</u></p> <p>The proposed development will result in substantial harm to the significance of the setting of the Grade II Listed Building. In the absence of any justification or detailed meaningful assessment of the impact of the development on the listed structures the proposal cannot be deemed to preserve or enhance the significance of the affected heritage assets. As a consequence, the development would be contrary to Policy BE2 of the adopted Copeland Local Plan 2021-2039, the guidance set out in the National Planning Policy Guidance and also the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).</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>
Case Officer: S. Papaleo	Date : 15/08/2025
Authorising Officer: N.J. Hayhurst	Date : 15/08/2025
Dedicated responses to:- N/A	