

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2039/0F1
2.	<b>Proposed Development:</b>	Siting a caravan on the property for residential purposes.
3.	<b>Location:</b>	19 Scurgill Terrace, Egremont
4.	<b>Parish:</b>	Egremont, Haile & Wilton
5.	<b>Constraints:</b>	ASC Adverts Coal – Off Coalfield Outer Consultation Zone – Sellafield 10km
6.	<b>Publicity Representations &amp; Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The application site comprises a single storey detached dwelling house with attached garage, situated to the south east of Egremont. The site is outside the defined the settlement boundary of Egremont.</p> <p>The dwelling occupies a large plot with surrounding gardens and a largely open frontage adjoining a curve in the road. Open countryside is situated beyond the north east boundary. The dwelling is accessible via the road which connects Egremont to Haile.</p> <b>Proposal</b>  <p>The proposal involves the siting of a caravan alongside the north east boundary of the garden, which is flanked by mature trees. The applicants stepson would occupy the caravan, which would allow a degree of independence whilst allowing for assistance from the family in support of his health. Existing access, parking, garden, waste and drainage arrangements would be retained by the main dwelling for shared use.</p>	

The applicant advises that the caravan can be coloured green and landscaping can be provided as required. An existing storage container at the site is to be removed as part of the proposal.

### **Relevant Planning Application History**

N/A

### **Consultation Responses**

#### Town Council

No objections but request that the Council impose a planning condition to ensure that the caravan remains ancillary to the main residence and to prevent the caravan from use as an independent residential unit.

#### Local Highway Authority and Lead Local Flood Authority

The application falls under the Service Level Agreement and does not require comment from the Local Highway Authority or Lead Local Flood Authority.

#### Environmental Health

No response received.

#### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to adjacent properties. No comments have been received as a result of this consultation process.

### **Planning Policies**

Planning law requires that 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 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 Local Plan as commenced by Copeland Borough Council.

The Local Plan was adopted by Cumberland Council on the 5<sup>th</sup> 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

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Policy H14: Domestic Extensions and Alterations

Policy H21: Residential Caravans

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Policy CO7: Parking Standards

**Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

**Assessment**

The key issues raised by this proposal are the principle of development, its scale and design and the potential impact on landscape character, residential amenity and highways safety.

Principle of Development

The proposed development would introduce a caravan to the north east side of the dwelling, which would be situated alongside an existing boundary consisting of mature planting. Details submitted with the application indicate that the caravan would be a green static caravan measuring approx. 36ft x 12ft x 9.5ft. The proposal would provide ancillary accommodation to the main dwelling to allow the applicants stepson to live independently whilst still receiving support from family members.

Planning Policy H21 of the Copeland Local Plan relates to residential caravans and indicates that:

'Proposals for new residential caravans (with the exception of Gypsy & Traveller caravans) will only be permitted in exceptional circumstances and on a temporary basis, where need can be fully demonstrated to the satisfaction of the Council and where:

- a) the siting of the caravan will not result in unacceptable harm upon the landscape, heritage assets, biodiversity or cause visual harm;
- b) the siting of the caravan will not result in unacceptable adverse impacts upon the amenity of neighbours through a loss of privacy or sunlighting;
- c) the siting of the caravan does not give rise to unacceptable impacts upon the highway network or highway safety; and
- d) the caravan is located within a settlement identified in Policy DS1, unless it will accommodate a rural worker who is required to live at or near their place of work.

Where caravans are permitted, they should be well screened by existing landscaping where possible'.

The application site is located outside the settlement boundary of Egremont, being situated to the south east of the defined boundary, within an existing cluster of dwellings. In this regard, the proposal does not meet the criteria of Planning Policy H21 d), above. It is considered that criteria a) to c) of the Policy can be met.

In contrast, Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria relating to scale, design, amenity and highways safety. It is considered that the criteria of this Policy can be met.

Although the proposal does not fully meet the criteria of Policy H21 of the Copeland Local Plan, set out above, it is accepted that the proposal would provide additional accommodation for the use of the residents/ occupants of the site and therefore the development is able to meet the criteria of Policy H14 of the Copeland Local Plan. On this basis, it is considered that the siting of the caravan to provide additional supported residential accommodation can be accepted, albeit on a temporary basis, in line with the requirements of Planning Policy H21. A five year temporary permission is considered an appropriate length of time to enable the families' circumstances to be re-considered. Similarly, given that the applicants' circumstances have been regarded in relation to the criteria of Policies H14 and H21, it is considered appropriate to ensure the use of the caravan be limited to the applicant and family members by use of an appropriately worded planning condition.

The principle of the development is therefore accepted in this case within the context of Policies H14 and H21 of the Copeland Local Plan.

Landscape Character

The application site is situated on a gateway highway towards the A595 and Egremont. The site occupies a corner position with a wide, open frontage due to the low boundary separating the site from the highway. As a result, the application property and surrounding gardens can readily be seen from the public highway when travelling in both directions.

The applicant's proposal would result in the siting of a caravan to the north east side of the application property and site. Although this caravan would be situated alongside mature planting which forms the boundary and provides screening of the site and development area from the open countryside to the north east, the openness of the site is such that the proposed caravan would be readily in view from the public highway.

Planning Policy DS5 of the Copeland Local Plan indicates that where appropriate, a high quality landscaping scheme should be submitted with all proposals for development.

Strategic Policy N6 of the Copeland Local Plan also sets out that Copeland's landscapes will be protected and enhanced, ensuring that development conserves the distinctive characteristics of a particular area in a manner commensurate with their value.

The application details indicate that the proposed caravan can be coloured green to reduce its visual impact when viewed against the backdrop of the mature planting and countryside beyond. It is also suggested that landscaping could be provided to the front of the caravan, to further soften the effect of the development when viewed from the highway.

Considering Planning Policy DS5 and Strategic Policy N6 as well as the landscaping requirements set out within Planning Policy H21 above, it is considered appropriate to secure details of the proposed caravan prior to its siting, to ensure it is of an appropriate colour, scale and condition which is appropriate for the locality. It is also considered necessary to secure details of any landscaping by condition, to ensure suitable screening is provided and to retain the existing planting along the boundary.

Overall, with suitable conditions, it is considered that the proposal would preserve existing landscape character.

The proposal therefore complies with Policies DS5 and H21 and Strategic Policy N6 of the Copeland Local Plan in this regard.

#### Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity. Policy H14 of the Copeland Local Plan indicates that buildings within the curtilage of existing properties will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

The proposed caravan would be positioned alongside the north east boundary of the site, with open countryside beyond. The dwelling itself would be situated between the proposed caravan and neighbouring properties. The caravan would therefore be sufficiently separated

	<p>from adjacent properties so as not to result in any significant adverse impact upon the residential amenity of neighbouring dwellings.</p> <p>The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.</p> <p><u>Highway Safety</u></p> <p>Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.</p> <p>The property currently has off street parking available by means of an attached garage and driveway. These would be retained within the development and utilised by the occupier of the caravan. It is considered that the parking provision is suitable for the development.</p> <p>The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.</p> <p><u>Biodiversity Net Gain</u></p> <p>Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a Biodiversity Net Gain of 10%, to ensure a development would result in more or better quality natural habitat than there was before development.</p> <p>The applicant has submitted a Biodiversity Net Gain Exemption Statement alongside the application outlining that as the proposal relates to custom housing they consider the development exempt from the Biodiversity Net Gain (BNG) requirement.</p> <p>As the development relates to ancillary accommodation in association with the existing dwelling at the site, it is accepted that BNG is not required within the development.</p> <p><u>Planning Balance and Conclusion</u></p> <p>Although the application site is outside the settlement of Egremont, the proposed siting of a caravan within the boundary of an existing residential property to provide independent accommodation for a family member, whilst accessing support from family within the dwelling house, is accepted in this case. Conditions can be attached to any planning approval to ensure that the caravan is used for the purposes set out within the application and to ensure that appropriate landscaping is incorporated into the development, to preserve the visual amenity of the locality and existing landscape character.</p> <p>The proposal is therefore considered an acceptable form of development in compliance with the policies of the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</p>

9. **Conditions:**

1. This permission shall be for a limited period of five years from the date of this permission. At or before the expiration of this period, the caravan, and all other materials and equipment brought onto the land in connection with its use, must be removed and the land restored in accordance with a scheme which must be submitted to and approved in writing by the Local Planning Authority unless the prior written approval of the Local Planning Authority has been obtained for its continued siting.

**Reason**

To ensure the development accords with the provisions of Planning Policies H14 and H21 of the Copeland Local Plan and to safeguard the amenity of the locality, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them:  
Application Form, received 5<sup>th</sup> February 2025  
Site Location Plan, scale 1:1250, received 5<sup>th</sup> February 2025  
Proposed Site Plan, scale 1:1250, received 5<sup>th</sup> February 2025

**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. The development hereby permitted shall be used and occupied only by the applicant and their family members as ancillary residential accommodation to the existing dwellinghouse, and shall thereafter at no time be subdivided, occupied or sold as a separate, independent residential planning unit.

**Reason**

To ensure the development accords with the provisions of Planning Policies H14 and H21 of the Copeland Local Plan and to safeguard the amenity of the locality, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

4. Prior to the siting of the caravan hereby approved, details of the green coloured caravan shall be submitted to and approved by the Local Planning Authority. Only the caravan so approved shall be used in the development thereafter.

Reason

To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

5. Prior to the siting of the caravan hereby approved, a plan indicating all proposed landscaping, shall be submitted to and approved by the Local Planning Authority. The submitted details shall include the position and species of any planting and include the retention of the planting forming the north east boundary of the site.  
All planting within the scheme shall be carried out in the first planting season following siting of the caravan. The approved scheme shall be retained and any planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to enhance the appearance of the development and minimise the impact of the development in the locality.

6. The existing storage container at the site shall be removed prior to the installation of the caravan hereby approved.

Reason

To ensure a satisfactory standard of development for the external appearance of the approved scheme which is compatible with the character of the surrounding area, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

**Informative Note**

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining



Remediation Authority - GOV.UK

### **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: De minimis.

### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

**Case Officer:** L White

**Date :** 28/04/2025

**Authorising Officer:** N.J. Hayhurst

**Date :** 30/04/2025

**Dedicated responses to:-** N/A