

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2073/0F1
2.	<b>Proposed Development:</b>	PROPOSED CONVERSION AND EXTENSION OF EXISTING GARAGE TO ANNEX
3.	<b>Location:</b>	HIGH WATH, CLEATOR
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<b>Report:</b>  <b>Site and Location</b>  <p>The application site comprises a two storey detached dwelling house, situated to the south east of Cleator Moor and to the west of the Lake District National Park boundary. The site is accessible from the Cleator Moor to Ennerdale Bridge highway.</p> <p>The dwelling is set back from the highway, with a large front garden separating the two, measuring approx. 95m in length and approx. 60m across the frontage. A detached double garage with bedroom over and smaller garden are situated to the rear of the dwelling.</p> <b>Proposal</b>  <p>The proposal involves the conversion and extension of the existing detached garage to form annexed accommodation to the main dwelling. The garage extension would be situated to the south west side of the existing garage and would measure approx. 5m x 6.337m with a flat</p>	

roof at a height of approx. 3.15m. The finishes would include rendered walls and UPVC windows and doors. The extended and converted accommodation would provide kitchen, living room, bedroom and bathroom, retaining the first floor bedroom. The existing access would be utilised.

### **Relevant Planning History**

4/05/2096/0F1 : Single storey extension to rear of dwelling - 30/03/2005 – Approve

4/14/2026/0F1 : Two storey extension to gable end - 12/02/2014 - Approve (commence within 3 years)

### **Consultation Responses**

#### Town Council

No issues raised.

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

Initially, it was indicated that there were no objections in principle but more information was requested relating to surface water system outfalls. Upon receipt of this information, no objections were raised.

#### Environment Agency

The red line boundary includes an area that is located within Flood Zone 3, however the development area is within Flood Zone 1. Given the scale and nature of the development, there are no concerns relating to food risk. Comments were also made advising of the drainage hierarchy and non-mains drainage.

#### Public Representations

The application has been advertised by way of 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



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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 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

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

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 impacts on residential amenity, highways safety and flood risk.

#### Principle of Development

The proposed application relates to a residential dwelling within Cleator Moor. The development would provide extended accommodation to an existing detached garage to create annexed accommodation.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The principle of the development is therefore accepted within the context of Policy H14 of the Copeland Local Plan.

#### Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building or street scene, and they would retain an adequate provision of outdoor amenity space to serve the property. Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards.

The proposal would result in a single storey extension to an existing detached garage at the site to allow the conversion of the garage to form annexed accommodation to the main dwelling. The garage extension would have a footprint measuring approx. 5m x 6.34m. The roof would be flat, with rendered walls, black painted fascias and white UPVC doors and windows, all to match the existing garage.

There is sufficient space within the rear garden of the dwelling to comfortably accommodate the proposal. As the proposal would result in single storey development to the rear of the application property, the massing of the proposal would not dominate the existing dwelling. Although the extended garage would be of a large scale overall, the garage extension would be seen in the context of the existing detached garage from public vantage points such that the proposed development would not adversely alter the street scene or visual amenity of the locality. The design and finishes of the development would compare with those of the main dwelling and in the immediate locality.

The scale and design of the development would not, therefore, adversely alter the existing building or street scene, nor would it result in overdevelopment of the site.

The application details indicate that the extended garage would be used to provide annexed accommodation to the main dwelling. The application property is situated outside the defined settlement boundary of Cleator Moor. Development outside defined settlements is restricted, as set out within Strategic Policies DS1 and DS2 of the Copeland Local Plan. Given the location of the site and development area outside the settlement boundary, it is considered appropriate to restrict the use of the converted garage to ancillary accommodation to the application property only. This can be controlled by a suitably worded planning condition.

On this basis the proposal therefore complies with Policies DS4 and H14 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 house extensions will be permitted provided that the development would not harm the amenity of the occupiers of



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the parent property or adjacent dwellings.

The proposed extended accommodation would be situated to the rear of the dwelling, alongside the north west boundary. An access lane serving an adjacent paddock is situated beyond this boundary with the garden area of the neighbouring property beyond that.

Given that the extended accommodation would comprise single storey accommodation only, and there is a satisfactory separation distance with the adjacent dwelling, it is considered that the proposed development would not have a significant adverse impact upon the residential amenity of adjacent properties.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

### Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The property currently has off street parking provision in place in the form of a long driveway extending from the access point to the side of the dwelling, and also within the existing detached garage. Although the proposal would result in the loss of the existing off street parking provision available within the garage, the length of the driveway would provide ample parking to accommodate the parking needs of occupiers of the site and dwelling. The proposal would provide additional off-street parking within the development.

No comments have been received from the Local Highways Authority in relation to parking available at the site.

The proposal complies with Policy CO7 of the Copeland Local Plan in this regard.

### Flood Risk

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

Parts of the application site are within Flood Zones 2 and 3. These areas are located within the large front garden of the application property and the access drive. The application property and area for development are within Flood Zone 1.

The application includes details relating to the Flood Risk. Drainage details for the site have also been provided, following a request from the Lead Local Flood Authority.

The Environment Agency note the areas of risk within the red line boundary of the submitted site location plan. It is also recognised that the proposed development area is wholly within Flood Zone 1. On this basis, and given the scale and nature of the development, the Environment Agency have no concerns relating to flood risk. The Lead Local Flood Authority accept the submitted site drainage plans and raise no objections.

The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.

	<p><b><u>Biodiversity Net Gain</u></b></p> <p>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.</p> <p>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.</p> <p>Based on the information available this application is not considered to be one which will require the approval of a Biodiversity Gain plan before development is begun. It is a form of householder development and therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain (De Minimis).</p> <p><b><u>Planning Balance and Conclusion</u></b></p> <p>The proposed conversion of the existing garage and attached single storey extension are considered to be of a suitable scale and design for the site and locality, which would preserve the amenities of the area and highways safety.</p> <p>A planning condition can be used to restrict the use of the garage to ancillary accommodation only.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p>1.The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <p>Reason</p>

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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 4th March 2025

Existing Site and Proposed Block Plan, scales 1:1250 and 1:500, Ref HW-LJW-001, received 4th March 2025

Proposed Ground Floor Plan, scale 1:50, Ref HW-LJW-004, received 4th March 2025

Proposed First Floor Plan, scale 1:50, Ref HW-LJW-005, received 4th March 2025

Proposed Elevations, scales 1:75, 1:500 and 1:1250, Ref HW-PW-006 Rev A, received 29th April 2025

Proposed and Existing Drainage Plan, scales 1:150 and 1:500, Ref HW-PW-007, received 1st April 2025

Flood Risk Form, received 4th March 2025

Design and Access Statement, received 29th April 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 must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as High Wath, Cleator, must not be independently occupied, let or sold as a separate permanent dwelling, or used for any business purposes whatsoever.

Reason

To ensure the development accords with the provisions of Planning Policies H14 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.

### **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





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	been received. It has subsequently determined to grant planning permission.	
<b>Case Officer: L. White</b>		<b>Date : 30/04/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 06/05/2025</b>
<b>Dedicated responses to:- N/A</b>		