

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2152/001
2.	Proposed Development:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED INCLUDING APPROVAL OF ACCESS AND LAYOUT FOR SELF/CUSTOM BUILD DETACHED DWELLING AND GARAGE (RESUBMISSION)
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>	

Clints Quarry Site of Special Scientific Interest is located to the west.

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.

4/24/2394/0O1 - Outline application with some matters reserved including approval of access for self/custom build detached dwelling and garage – Refused.

Proposal:

This application seeks Outline Planning Permission for the erection of 1no. new build dwelling.

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

It is proposed to utilise the existing access serving Southcroft to the U4030 101 to access the proposed dwelling. A shared access threshold is proposed with access to Southcroft to the north and the proposed dwelling to the east.

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	No objections.
Cumberland Council – Highways and LLFA	The access to the proposed dwelling is from an existing residential access. The proposal will cause some intensification but not to a material level. Taking into account that the public highway is very quietly trafficked and that the development will provide a suitable driveway and turning space so vehicles can enter and exit in a forward gear. No reason to conclude that the access proposal would be unacceptable to highway safety.

		<p>The existing access is metalled to the edge of the carriageway and slopes away from the highway mitigating any risk of surface water and loose stones spreading onto the highway.</p> <p>A soakaway for a single property should not cause any material flood risks.</p> <p>The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal. Recommend the imposition of planning conditions securing details for the parking, turning, loading and unloading of vehicles.</p>
	United Utilities	<p>United Utilities has no further comment on this application.</p> <p>Confirm that 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>Strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish.</p> <p>Advice is provided in relation to additional technical requirements in respect of water use for the construction of new build dwellings</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 Sellafeld Ltd. The Sellafeld 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 Sellafeld Site, please see link below: https://legacy.cumberland.gov.uk/emergencyplanning/supportingpages/industrialsites.asp</p> <p>The location of the land does sit within a distance of 10km from the Sellafeld site, an area known as the Outer Consultation Zone (OCZ) but</p>

	<p>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.</p> <p>There are no objections to the proposed works.</p>
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	<p>Neighbour Responses:</p>
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	<p>The application has been advertised by way of a planning application site notice and press notice.</p>
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	<p>No representations have been received.</p>
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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



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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

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 addition to the Register was made in November 2023 and do not relate to the Egremont area. 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.

Layout is not a reserved matter. The proposed dwelling is broadly located in the building line between the dwellings of Southcroft and Clintside.

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.

The Lead Local Flood Authority raised no objections and has confirmed that a soakaway for a single property should not cause any material flood risks.

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 utilise the existing access serving Southcroft to the U4030 101 to access the proposed dwelling. A shared access threshold is proposed with access to Southcroft to the north and the proposed dwelling to the east.

Cumberland Council Highways have been consulted and have confirmed no objection. It is confirmed that the access to the proposed dwelling is from an existing residential access. It is confirmed that the proposal will cause some intensification but not to a material level. Taking into account that the public highway is very quietly trafficked and that the development will provide a suitable driveway and turning space so vehicles can enter and exit in a forward gear. The existing access is metalled to the edge of the carriageway and slopes away from the highway mitigating any risk of surface water and loose stones spreading onto the highway. It is concluded that there is no reason to conclude that the access proposal would be unacceptable to highway safety. The imposition of planning conditions securing details for the parking, turning, loading and unloading of vehicles is recommended.

The Planning Balance

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.

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.

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.	
8.	Recommendation: Refuse	
9.	Reasons for Refusal Reason 1 The proposals comprise the erection of a new-build self-build dwelling within the settlement of Woodend. Woodend is located in an area defined as Open Countryside where new-build market housing development is not supported. 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. The development is in conflict with the provisions of Policy DS1, Policy DS2 and Policy H1 of the Copeland Local Plan 2021 - 2039. Statement The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant/ agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.	
Case Officer: Chris Harrison		Date : 25.06.2025
Authorising Officer: N.J. Hayhurst		Date : 25.06.2025
Dedicated responses to:- N/A		