



Cumberland Council
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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Green Swallow North Ltd
Swallow Barn
Blindcrake
CA13 0QP
FAO: Mr Stuart Woodall

APPLICATION No: 4/25/2159/0F1
CHANGE OF USE OF UPPER FLOORS TO HOUSE IN MULTIPLE OCCUPATION
(HMO)
71 LOWTHER STREET, WHITEHAVEN

Mossop Management Ltd

The above application dated 08/05/2025 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

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

2. 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: -

Application Form, received 07th May 2025
Site Location Plan, scale 1:1250, received 07th May 2025

Existing and Proposed Floor Plans, scale 1:100, drawing number 1463/1 - 01,
received 07th May 2025

Design and Access and Heritage Statement, received on 08th May 2025

Noise Impact Assessment, reference 1383, prepared by NCSL, dated 14th July
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. Following approval of the development, construction activities that are audible at
the site boundary shall be carried out only between the following hours:

Monday to Friday 08.00 – 18.00 and Saturday 08.00 – 13.00 and at no time on
Sunday or Bank Holidays

unless otherwise agreed in writing with the Local Planning Authority. In particular,
no work should be carried out on Sundays or officially recognised public holidays
without the prior agreement in writing of the Local Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the
provisions of the National Planning Policy Framework.

4. The development shall be carried out in accordance with the recommendations
set out in the Noise Impact Assessment compiled by NCSL, reference 1383,
dated 14th July 2025. Any noise mitigation measures implemented shall be
retained at all times thereafter unless otherwise agreed in writing with the Local
Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the
provisions of the National Planning Policy Framework.

Informative Notes

HMO Licensing

HMO Licensing All HMO properties with shared facilities housing 5 persons or over
would require a House of Multiple Occupation licence from Cumberland Council.

Replacement of Windows

The applicant should note that any replacement of the existing timber windows within the building would require planning permission.

Radon

This site is within a 1 km grid square of elevated radon potential. The maximum radon potential is 10 – 30% and full radon protection may be required.

Biodiversity Net Gain – Exemption Applicable

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Cumberland Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

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 the statutory exemption listed below is considered apply:


Exemption – De Minimis

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.

Please read the accompanying notice

14th August 2025

A handwritten signature in black ink, appearing to read 'N. S. Hayhurst' with a stylized flourish at the end.

Nick Hayhurst
Head of Planning and Place
Thriving Places

**APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.