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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Day Cummins Ltd
4A Lakeland Business Park
Lamplugh Road
Cockermouth
CA13 0QT
FAO: Mr Michael Dawson

APPLICATION No: 4/25/2162/0F1

**CONVERSION OF BARN INTO A DWELLING
MOWBRAY FARM (BARN 6), FRIZINGTON**

Mr Stuart Ray

The above application dated 13/05/2025 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 begin not later than three years from the date of this decision.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:

Application Form

Existing Site Plan – Drawing No. 6088 8 Rev. -

Existing Plans and Elevations – Barn 6 – Drawing No. 6088 6 Rev. -

Proposed Site Block Plan – Drawing No. 6088 11 Rev. B

Proposed Plans and Elevations – Barn 6 – Drawing No. 6088 7

Visual Structural Inspection – Ref. WDS/05/9202/REP01

Preliminary Roost Assessment – Mowbray Farm, Frizington – 4th April 2025

Mowbray Farm (Barn 6), Frizington BNG Statement

Design Access Statement - Mowbray Farm - Barn 6 Conversion of Redundant Barn to Dwelling

Reason

For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the submitted details, no development shall commence until samples or specifications of the materials to be used in the construction/finishing of the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason

To ensure the development is of a high-quality design in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

4. Notwithstanding the submitted details, no development shall commence until details and specifications of the external windows and doors have been submitted to and approved in writing by the local planning authority.

The submitted details shall include cross-sections of the window frames and their method of opening.

The external window and door frames shall be recessed from the external wall face by a minimum of 100mm.

The windows and door frames shall be installed as approved and retained as such thereafter.

Reason

To ensure the development is of a high quality design in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

5. Notwithstanding the submitted details, no development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must be based on the hierarchy of drainage options in the Planning Practice Guidance.

Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy N5 Copeland Local Plan 2021 – 2039.

6. The development shall not proceed except in accordance with the mitigation strategy described in Preliminary Roost Assessment – Mowbray Farm, Frizington – 4th April 2025.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2021 - 2039

7. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of the National Planning Policy Framework.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be formed in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason

To safeguard the living conditions of neighbouring residents and ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

10. The dwelling shall not be occupied until the parking facilities have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and be capable of use at all times and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access and parking provision when the development is brought into use in accordance with the provisions of Policy CO7 of the Copeland Local Plan 2021 – 2039.

Informative Notes

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 as the proposals comprises development that does not impact a priority habitat and impacts less than:

- ☐ 25 square metres (5m by 5m) of on-site habitat; and,
- ☐ 5 metres of on-site linear habitats such as hedgerows.

Development Low Risk Area - Standing Advice

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

Public Right of Way

Given the proximity of the proposed development to the FP 401005, the Applicant should contact the Countryside Access Team to discuss the need for a temporary closure or diversion of the Public Right of Way for the duration of any works.

The applicant is advised that:

- The granting of planning permission would not give them the right to obstruct, close or divert the public right of way shown on the attached plan.
- The public right of way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

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

A handwritten signature in black ink, appearing to read 'N. J. Hayhurst'.

Nick Hayhurst
Head of Planning and Place
Thriving Places

21st October 2025

**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.