

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2168/0F1
2.	<b>Proposed Development:</b>	CREATION OF A DRIVEWAY FOR DISABILITY ACCESS
3.	<b>Location:</b>	6 Thornfield Close, Cleator Moor
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC Adverts  Coal – Standing advice
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>The property is located within Cleator Moor on a residential estate on the south western periphery of the town. The property comprises a two storey, semi detached dwelling, with associated residential curtilage. The property benefits from gardens to the front and rear. The dwelling itself has a small site frontage which is currently bound by a low chain link fence and a timber pedestrian gate.</p> <p>The site is located on a small cul-de-sac which sits within a larger estate of similar properties with the adjacent terrace set at a slightly lower level than the host property.</p>	

## **PROPOSAL**

The application seeks permission for the installation of a driveway for disabled access measuring 5m in length x 3.5m in width.

The drive would be constructed of permeable paving with some minor engineering works to accommodate the ground levels with a new retaining wall installed.

## **RELEVANT PLANNING APPLICATION HISTORY**

No relevant site history.

## **CONSULTATION RESPONSES**

### Town Council

No objections or comments.

### Highways Authority/LLFA

No objections to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere. Surface water can be managed through building control.

### Public Representations

The application has been advertised by way of neighbour notification letter – there has been one letter of objection has been received as a result of this consultation process.

The objection relates to the following points

- Impacts on their legal right to access and use their property,
- It would obstruct the access point to their home.
- Potentially affect the safety and convenience of entering and exiting their property, particularly in emergency situations.
- Cause logistical challenges, including deliveries, waste collection, and general day-to-day activities
- Contrary to NPPF - advises that planning decisions should seek to promote sustainable development and avoid creating “unacceptable harm” to the amenity of existing residents (Section 130). By obstructing access to their property, the proposal would conflict with this principle.
- Legal objections – interference with right of access, affects on their human rights, the equality act does not override the rights of others to access homes safely and lawfully

## **PLANNING POLICIES**

Planning law requires 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:**

The council has agreed to adopt the Local Plan on 5 November and full weight is given to the policies contained within.

The following policies are relevant to this proposal:

Strategic Policy DS1 - Settlement Hierarchy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

Policy CO7 – Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework 2024 (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.

### **Principle of Development**

The proposed application relates to a residential dwelling within the town of Cleator Moor and will provide a new driveway to serve a domestic dwelling. Policy H14 of the Local Plan supports alterations to residential properties subject to detailed criteria, which are considered below.

On this basis, the principle of development is therefore considered to be acceptable and the extension satisfies Policies DS4 and H14 of the Copeland Local Plan 2021-2039 and the guidance within the NPPF.

#### Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs, whilst Policy H14 of the Local Plan seek to ensure domestic alterations are of an appropriate scale and design which is appropriate to their surroundings and does not adversely affect the amenities of adjacent dwellings.

The driveway would abut an existing internal pathway which runs adjacent to the boundary line of the property. A small section of grass would be removed and the fence to the front section would be removed plus a new lowered kerb installed.

The development would be readily visible from a public perspective from the adjacent highway; however, it would not have any negative impacts on the users of the nearby highway in terms of scale and design.

The design with pavers is commonplace in terms of driveway construction and would not be out of character with the dwelling and surrounding properties on the wider estate, with no negative effects on the street scene arising from the proposed design.

The installation of a driveway would not significantly reduce the open space within the curtilage.

#### Residential Amenity

H14 of the Local Plan and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The new driveway would not be considered to cause harm or disturbance to the adjoining dwellings given the limited domestic use of the site and is not considered to have any significant effects on the residential amenity of nearby properties.

The site is screened from the neighbouring properties by existing fencing and walls plus the use would not introduce any elements of overlooking any more than the existing use as a garden area.

No significant residential amenity issues are considered to be raised by the proposal over and above the existing arrangement.

#### Highway Safety

The proposal would allow one vehicle to park within the curtilage of the property which is similar to other properties served off this cul-de-sac.

The creation of this additional driveway would not lead to any additional conflicts with additional driveways given the area to the front of the property is presently used for parking.

Although the access is narrow it is considered that there would be no significant detriment to highway safety.

#### Other Issues

The letter of representation refers to the development obstructing the access point to their home. The applicant indicates that there was previously pedestrian access gained by a side gate; however, the neighbouring property has built a fence so no access point is present. The creation of the drive would not hinder any access to the boundary of the neighbouring property and this matter would be a civil issue and not for consideration as part of the planning process. The access drives of the neighbouring properties would not be obstructed by the proposal.

The objector also indicates that the development would lead to logistical challenges in terms of deliveries, waste collection, and general day-to-day activities. Officers are of the opinion that the development does not relate to an increase living accommodation that would give rise to additional vehicle movements or effect existing drives and accesses.

The proposal would not be considered to be in breach of other legislation and is in compliance with local and national policy.

#### Biodiversity Net Gain

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). The statutory framework for biodiversity net gain involves discharge of the biodiversity net gain condition following the grant of planning permission, to ensure the objective of at least 10% net gain will be met for a development.

The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.

There are exemptions to the biodiversity net gain requirement. An exemption applies to development which is the subject of a householder application. It is therefore accepted that the biodiversity net gain condition should not be applied in this case..

#### Planning Balance and Conclusion

The proposal is considered to be of an acceptable scale and design with no significant harm arising to neighbouring properties in terms of amenity. There are no significant impacts on the appearance of the dwelling or surrounding area, the proposal is therefore considered an acceptable form of development in line with policies within the Local plan.

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| 8. | <p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p> |
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9. **Conditions:**

1. The development hereby permitted must commence 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. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Application Form, received 19 May 2025;

Site Location Plan, scale 1:1250, Block Plan, scale 1:500, Site Layout Plan, Scale 1:50, Section Plan, Scale 1:50, Drawing number 6031/26 01 Rev P1 received 19 May 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.

**Informative Notes**

**Coal Mining**

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

<http://www.gov.uk/government/organisations/the-coal-authority>

**Biodiversity Net Gain**

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 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 one of the statutory exemptions is considered to apply.

Applicable exemption: Householder Development

### **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.

**Case Officer: Sarah Smith**

**Date : 18/07/2025**

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

**Date : 21/07/2025**

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