

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2182/0F1
2.	Proposed Development:	CONSTRUCTION OF A SINGLE STOREY OUTBUILDING TO THE REAR OF THE PROPERTY.
3.	Location:	52 SANTON WAY, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	<p>Safeguard Zone</p> <p>Coal – Off Coalfield</p> <p>Key Species – Potential areas for Natterjack Toads</p> <p>DEPZ Zone</p> <p>Outer Consultation Zone – Drigg 3KM</p> <p>Outer Consultation Zone – Sellafeld 10km</p>
6.	Publicity Representations & Policy	See Report
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>This application site relates to 52 Santon Way, a semi-detached property situated on an existing housing estate within Seascale.</p> <p>The property benefits from a driveway to the front curtilage and a reasonable sized curtilage area to the rear.</p> <p>PROPOSAL</p>	

Planning permission is sought for the erection of a single storey outbuilding within the rear curtilage area. The outbuilding is to be 7m by 4m and will have a height of 2.2m to eaves level and a total height of 2.93m.

The building is to be constructed of concrete render to the external walls, concrete roof tiles and UPVC doors and windows.

RELEVANT PLANNING APPLICATION HISTORY

None.

CONSULTATION RESPONSES

Seascale Parish Council

No objections.

Highways Authority

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

Public Representations

The application has been advertised by way of 2 neighbour consultations being sent – No representations have been received as a result of this consultation process.

PLANNING POLICY

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 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.

The policies relevant to this application are as follows:-

Policy DS1 – Development Strategy

Policy DS4 – Design and Development Standards

Policy H14 – Domestic Extensions and Alterations

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 siting, design, scale and the potential impacts on residential amenity and ecology,

Principle of Development

The proposed application relates to a semi-detached property located within a residential housing estate. Policy H14 supports extensions and 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 Policy HS14 of the Copeland Local Plan and the National Planning Policy Framework.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs. Policy H14 supports house extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

The proposed single storey detached outbuilding is to be sited within the rear curtilage area of the host dwelling and is to be 7m by 4m and have height to eaves of 2.2m and a total

height of 2.93m. The materials are to be concrete render to the external walls, concrete roof tiles and UPVC doors and windows.

The proposal is to be sited within close proximity to the boundary of the property. The siting of the proposal within the rear curtilage area is considered acceptable. The curtilage area to the rear elevation is large in scale and therefore the proposal is considered to be appropriate in scale in relation to the host dwelling itself and would not appear over-dominant at this location.

The design would not impact upon the appearance of the existing property and, given the proposal is to be sited to the rear curtilage area, the proposal is not considered to impact upon the character and appearance of the existing property, streetscene and the wider residential area.

On this basis, the proposal is considered to meet Policy DS4 and H14 of the Copeland Local Plan and NPPF guidance.

Residential Amenity

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

No objections have been received from neighbouring properties. The proposed detached outbuilding is to be sited within close proximity to the neighbouring property No 54 Santon Way. The existing boundary between the properties is a 2m high fence. Although the proposal is within close proximity to the boundary, given its scale and height, it is not considered that the proposal would result in significant loss of light or dominance to neighbouring properties. The proposal does not include windows that look onto the neighbouring property, therefore the proposed works would not result in any loss of privacy concerns.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy H14 and the NPPF.

Highway Safety

Policy H14 requires the operational car parking needs of the property to continue to be met.

There are no alterations to be made to the existing arrangements, and the proposal will not impact upon the use of the property.

On this basis, the proposal is considered to comply with Policy H14 and the Cumbria Development Design Guide.

Ecology

Policy N1 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

	<p>The application site is identifying as a potential area for natterjack toads. The application is not supported by any ecology details as the site is located on an existing housing estate. On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.</p> <p>It is therefore considered that the development complies with Policy N1 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Biodiversity Net Gain</u></p> <p>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.</p> <p>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.</p> <p>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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to erect a single storey detached outbuilding within the rear curtilage area of the host property.</p> <p>The proposal is considered to be appropriate in scale and design within the street-scene and will not have any detrimental impact upon the amenities of the neighbouring properties or highway safety.</p> <p>On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 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 28/05/2025;

Site Location Plan, scale 1:1250 received 28/05/2025;

Proposed Site Layout, scale 1:200, received 28/05/2025;

Proposed Outbuildings and Plans, scale 1:100 received 28/05/2025.

Reason

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

Informative Notes

Coal Informative

The proposed development site 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:

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.



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: K. Bamford

Date : 03/07/2025

Authorising Officer: N.J. Hayhurst

Date : 21/07/2025

Dedicated responses to:- N/A