

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2206/0F1
2.	Proposed Development:	Proposed conversion of vacant store adjoining dwelling into a kitchen/living room and bedroom with shower room (extension of existing dwelling)
3.	Location:	Grace Barn, Sandwith
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts Safeguard Zone TPO Coal – Standing Advice
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location <p>The application site comprises a two storey dwelling house known as Steel House, with a vacant store to the northern side. The site is situated in Sandwith, a small village to the south west of Whitehaven.</p> <p>The application site fronts onto Main Street. A small garden separates the dwelling from the highway. The adjoining store has a hardstanding to the front. Gardens are in place to the rear. A neighbouring property adjoins the barn to the northern side.</p> Proposal <p>The proposal involves the conversion of the attached vacant store to form additional living accommodation to be used in association with Steel House. The extended accommodation would provide a kitchen/living and a hall at ground floor. A landing, bedroom and shower</p>	

room would be created at first floor level. A link to the dwelling at Steel House would be created at both levels.

External alterations include:

- Replacement of the existing garage door to the front elevation with doorway and glazed panels to each side.
- Replacement of the existing doorway to the front elevation with windows and panelling below.
- Insertion of a conservation rooflight to the front roof slope.
- Replacement of an existing first floor rear doorway with window.
- Insertion of a doorway to the ground floor rear elevation.
- Insertion of two rooflights to the rear roofslope.

Proposed external finishes include rendered walls, slate and tiled roof, UPVC doors and windows.

Relevant Planning Application History

N/A

Consultation Response

Town Council

No negative objections or comments raised.

Highways

The application falls under the Service Level Agreement. The highway and drainage implications of the application can therefore be decided by the Local Planning Authority.

Environmental Health

No objections, however, a condition is suggested to control noise from construction works and hours of deliveries. Comments are also made relating to the package treatment plant as advisory notes.

Council Ecologist

Due to the absence of roosting bats works can proceed without the need for a European Protected Species Licence. However, if any bats are found during works, then all works must stop, and a licenced bat ecologist should be contacted. If works have not commenced within 18 months of the date of activity survey (undertaken 28.05.2025), a survey update will be required to confirm that the situation regarding bats has not changed.

If works are to be carried out during the breeding bird season (March – August, inclusive), a breeding bird check should be undertaken no more than 48 hours prior to works

commencing. If breeding birds are found, works will need to be postponed until birds have fledged.

Public Representations

The application has been advertised by way of neighbour notification letters issued to five adjacent properties. One representation has been received offering support to the proposal as it is felt the works would improve the existing building.

PLANNING POLICIES

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 Local Plan as commenced by Copeland Borough Council.

The Local Plan 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:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

Policy H17: Conversion of Rural Buildings to Residential Use

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR)

ASSESSMENT

The key issues raised by this proposal are the principle of development, its design and the potential impacts on residential amenity, ecology, highways safety and flood risk.

Principle of Development

The proposed application relates to a vacant store attached to a dwelling house within the village of Sandwith. The development would provide additional accommodation within the attached store to be used as part of the attached dwelling house, with some external modifications to facilitate the conversion of the building.

Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below. Policy H17 supports the conversion of rural buildings.

The principle of development is therefore accepted within the context of Policies H14 and H17 of the Copeland Local Plan.

Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building or street scene, and they would retain an adequate provision of outdoor amenity space to serve the property.

Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards and enhance locally distinctive places which are sympathetic to the local character.

Policy H17 of the Copeland Local Plan sets out that the conversion and re-use of rural buildings within the countryside will be supported where:

- The building is redundant and of a traditional design which contributes to the character of the area;

- The building is structurally capable of conversion; and,
- The development would conserve the character of the building and surroundings.

The proposal would result in alterations and the conversion of an existing attached structure at the site to create extended accommodation for the application dwelling. The application details indicate the building is a vacant store, which sits between the application property and a neighbouring dwelling, all of which front onto the highway. The buildings are therefore all prominent within the street scene and contribute to the character and visual amenity of the village.

The application has been accompanied by a Visual Structural Inspection Report. This concludes that the building overall appears to be structurally stable and capable of conversion to residential use with some remedial works required to identified defects. On this basis, it is accepted that the building is structurally capable of conversion.

The proposed design has been amended throughout the course of the application process to make use of existing openings where possible, with minimal external modifications limited to the insertion of three rooflights across both roof slopes and the insertion of a doorway to the rear elevation. It is noted that there are rooflights evident within the street scene, including within the adjoining dwelling. The installation of a single rooflight to the front elevation and two to the rear would not, therefore, be out of character with development within the area. The proposed alterations are considered modest and appropriate for the building, which would preserve the existing rural and historic character of the structure.

The proposed design would involve the use of UPVc windows and doors, which are in use within the application property and the adjoining dwelling. As a result, the use of this modern material would not conflict with the character of adjoining development. The use of UPVc within the proposal is therefore accepted in this case.

The proposed conversion works to form extended accommodation for the dwelling at Steel House would result in the re-use of a traditional rural structure which is structurally capable of conversion. The design would retain the architecture of the building and preserve the street scene within the village.

The proposal complies with Policies DS4, H14 and H17 of the Copeland Local Plan with regards scale and design.

In line with the requirements of Policy H17 of the Copeland Local Plan, and to ensure any future alterations are appropriate for the character of the locality and amenities of the area, it is considered necessary to remove the permitted development rights which would be afforded to the vacant store upon the granting of planning permission for residential use.

Ecology

Strategic Policy N1 of the Copeland Local Plan seeks the conservation of Copelands biodiversity and geodiversity including protected species and habitats, indicating that planning permission will be refused for any development if significant harm cannot be avoided, mitigated or compensated for.

The application building is of a type potentially suitable for bat activity and roosts. The application has been accompanied by a Preliminary Building Assessment and Activity Survey for Bats. The Survey found that the proposed conversion is not likely to have any negative impact on roosting bats or their commuting and foraging behaviour. It was also noted that no active bird nests were recorded internally on the ridge beams or walls. Recommendations are made to mitigate against harm to any bats and birds during construction works.

The Council's Ecologist suggests conditions be attached to any planning approval in line with the recommendations of the Survey. It is therefore considered appropriate to secure the suggested recommendations by condition.

The proposal complies with Strategic Policy N1 of the Copeland Local Plan in relation to conserving and enhancing biodiversity and geodiversity.

Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity. Policy H14 of the Copeland Local Plan indicates that house extensions will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

The proposed works would result in the re-use of an existing structure to provide extended accommodation. The use of the vacant store for domestic activities would be commensurate with the existing residential use of the site and at neighbouring properties. The development would therefore maintain the residential character of the locality.

The proposed external openings would front onto the highway and the applicants own rear garden. The development would not result in any significant loss of residential amenity to adjacent properties.

It is considered appropriate to secure a planning condition to ensure that the converted store is retained as ancillary accommodation to the main dwelling, rather than as separate accommodation, to ensure that the use of the building remains compatible with adjoining development and to preserve the amenities of the locality.

Overall, with suitable conditions, it is considered that the proposal would not have any significant adverse impact upon adjacent residential amenity.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The proposed works would not affect the parking provision available to the property.

The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.

Flood Risk

	<p>Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.</p> <p>The proposed development would retain existing undeveloped curtilage and would retain existing drainage provision within the proposal. It is considered that the proposal would not increase flood risk on or from the site.</p> <p>The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.</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 de minimus in that it does not impact an onsite priority habitat and it impacts less than 25 square metres of onsite habitat. As the existing site comprises an existing building which is not a priority habitat, it is 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 proposed development would enable an existing store building to be put into a viable use and the proposal is considered to be of an appropriate scale and design for the site and locality, which would preserve the amenities and ecology of the area.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.</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. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>

by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them:
Application Form, received 9th June 2025
Location Plan, Drwg No: 01001 Rev: 01, scale 1:1250, received 9th June 2025
Block Plan, Drwg No: 01002 Rev: 02, scale 1:500, received 9th June 2025
Proposed Ground Floor Plan, Drwg No: 04001 Rev: 03, scale 1:50, received 12th August 2025
Proposed First Floor, Drwg No: 04002 Rev: 02, scale 1:50, received 14th August 2025
Proposed Elevations, Drwg No: 05001 Rev: 03, scale 1:100, received 12th August 2025
Existing and Proposed Sections, Drwg No: 03001 Rev: 01, scale 1:50, received 9th June 2025
Design and Access Statement, received 9th June 2025
Preliminary Building Assessment and Activity Survey – Bats, received 9th June 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, AA, B, C, D and G of Part 1 of Schedule 2 of the said Order shall be carried out upon the converted accommodation hereby approved without the prior written permission of the Local Planning Authority upon an application submitted to it.

Reason

The Local Planning Authority wishes to retain control over any proposed alterations/extensions in the interests of the appearance of the site and safeguard the amenities of adjacent properties, in compliance with the National Planning Policy Framework and Policies DS4, H14 and H17 of the Copeland Local Plan.

4. The converted accommodation hereby permitted shall be used as ancillary residential accommodation to the existing dwellinghouse known as “Steel House”, and shall thereafter at no time be subdivided, occupied or sold as a separate, independent residential planning unit.

Reason

To ensure the development accords with the provisions of Planning Policies DS1, DS2 and H14 of the Copeland Local Plan and to safeguard the amenity of the locality, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

5. The works shall be implemented solely in accordance with the recommendations outlined in Section 1.2 the Preliminary Building Assessment and Activity Survey dated 8th June 2025.

Reason

To safeguard the habitat of bats in compliance with the National Planning Policy Framework and Strategic Policy N1 of the Copeland Local Plan.

Informative Notes

Environmental Health

The connection of foul effluent to a package treatment plant should comply with the 2020 General Binding Rules.

It is advised that rainwater from the property is not directed to the package treatment plant.

Coal

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

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 because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minimus

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

Case Officer: L White

Date : 14/08/2025

Authorising Officer: N.J. Hayhurst

Date : 15/08/2025

Dedicated responses to:- N/A