

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2262/0F1	
2.	Proposed Development:	DEMOLITION OF EXISTING DWELLING AND OUTBUILDING FOR A SELF BUILD & CUSTOM BUILD REPLACEMENT DWELLING, DETACHED GARAGE AND NEW PACKAGE SEWAGE TREATMENT PLANT	
3.	Location:	ELF HALL, LADY HALL, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Reponses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to Elf Hall, a detached bungalow, which fronts onto Roanlands Brow located to the south west of Lady Hall. The site is formed of an existing four bedroom bungalow, which is in a poor state of repair, and a detached outbuilding located at the entrance to the site. Access to the site is from the highway to the front of the site.	
		The vacant dwelling is located within open countryside and is sited within a large plot.	

Relevant Planning History

No relevant planning history.

Proposal

This application seeks planning permission for the demolition of the existing dwelling and outbuilding, and the erection of a self build & custom build replacement dwelling, detached garage and new package sewage treatment plant.

The existing bungalow is located within the eastern portion of the site, set back from the adjacent highway. The property is of light weight construction, simple in character with a dual pitched roof, and is in a dilapidated state. The detached outbuilding is also of similar state of repair and appearance. The existing property and outbuildings will be demolished and the site cleared. The existing bungalow has a gross internal floor space of 121m².

The proposed replacement property will be in the form of a one and a half storey dwelling with front and rear facing dormers to provide bedrooms within the roof space. The proposed dwelling and outbuilding are to be located adjacent to the footprint of the existing dwelling. The relocation of the property seeks to accommodate the existing site levels to create a level access, avoid existing trees, and to create a larger parking and turning area along with better visibility splays from the access.

The proposed dwelling will be larger in scale than the existing property. The main structure of the proposed dwelling will measure 5.79m x 17.02m, with an eaves height of 2.49m to the front of the property and 5.06m to the rear, and an overall height of 7.14m. The dwelling will benefit from a rear projection measuring 1.75m x 6m, with an eaves height of 3.75m, and will include a dormer window. The development also includes a front facing glazed gable measuring 5.4m x 5.57m benefiting from an eaves height of 3m and an overall height of 6m. The front gable will benefit from solar panels on the west facing gable. The front elevation of the property will also include two dormer windows.

Internally, the ground floor of the dwelling will incorporate an entrance hall, study, living room, open plan kitchen/dining room, a bathroom, lift, boot room and a utility/plant room. The roof space of the dwelling will accommodate three double bedrooms, one with an ensuite bathroom, and a family bathroom. Externally the dwelling will be finished with textured render, timber effect cladding, natural slate, and UPVC/powder coated aluminium windows and doors.

The proposed detached garage will be located to the east of the proposed dwelling and will measure 7.99m x 7.8m. The proposed garage will benefit from a dual pitched roof with an eaves height of 2.29m and an overall height of 5.13m. A woodstore is proposed to be attached to the north west gable measuring 1.3m x 5.2m with an overall height of 3.49m. Externally, the proposed garage is to be finished with timber cladding, natural slate roof, and power coated aluminium roller doors. Solar panels are proposed along the front roof slope.



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The relocation of the proposed dwelling will allow for a larger parking and turning area to be located between the proposed dwelling and garage. This will also allow for the widening of the existing access to the site. New curved 1m walls will be installed at the access to retain visibility splays. The access and parking area will be finished with block paving.

The proposal also includes the installation of a package sewage treatment plant located to the west of the proposed dwelling within the side garden.

Consultation Responses

Millom Without Parish Council

Support this application.

Cumberland Council – Highway Authority & Lead Local Flood 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.

If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct.

United Utilities

United Utilities has no further comment on this application.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Cumberland Council – Ecologist

Please note the requirement of a European Protected Species Licence will be required for

this development to proceed.

Suggested Planning Conditions:

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Small Mammals

All development work should be carried out with care to avoid these small mammals such as hedgehogs. Contractors should be briefed about the potential presence of hedgehogs and Works should be supervised during initial clearance of the Site to avoid injury to any disturbed individuals.

Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered. This will ensure badgers are not trapped during work.

All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand

Bats

Four confirmed bat roosts will be lost or damaged by this proposed development. Therefore, a European Protected Species Licence will be required for this development to proceed. The licence needs to be applied for after planning consent is obtained, and a licenced ecologist will need to complete all the relevant paperwork.

Cumberland Council – Environmental Health

7th August 2025

This premises came to the attention of Environmental Health in 2021 following an enquiry about its condition and construction.

The current dwelling is made up of asbestos containing materials through portions of its structure which appears to be chrysotile in the form of cement bonded asbestos sheets though there may be other forms of ACM on closer inspection.

It is recommended that the new owners undertake an asbestos survey of the property prior to demolition, and also check for any broken pieces of asbestos sheeting pieces in the garden. There is no evidence otherwise of the site being contaminated though Radon Map UK shows it is located within a 1km grid square of elevated radon potential with a maximum radon

potential of 5 – 10 %. Basic radon protection measures would be required in the new build unless a site-specific radon search showed otherwise.

It is obviously not fit for human habitation in its current state, so Environmental Health would support its demolition and a rebuild on the site.

The site is relatively remote from other neighbours, with the nearest dwelling about 100m away. There would be limited impact on residential amenity during the proposed works therefore, though Planners may wish to impose a condition limiting construction working hours nevertheless.

The site is within an area with low levels of artificial light pollution and any external artificial lighting that is to be provided should be sensitive to this. A condition on this is suggested below.

In conclusion, Environmental Health would not object to this development and offers the following conditions: noise from construction works, and artificial lighting.

10th October 2025

The demolition of the existing structure should be quick and straight forward and the Demolition Method Statement provided is acceptable.

The agent has confirmed in writing that the asbestos containing material (ACM) in the existing structure does not need a licensed asbestos specialist to remove it.

Given this, Environmental Health have no objections and no further comments further to those made previously on 07.08.25.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to two properties.

One letter of support was received raising the following comments:

- Fully support the application to redevelop the property.
- The current state of the site has been a concern for the community for many years, being visually unappealing and apparently abandoned.
- The redevelopment offers a welcomed opportunity to transform the eyesore to something that adds real value to the area – both in appearance and function.
- The development will contribute to the local environment.
- We urge the planning department to approve the application and support this much needed improvement.

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 the 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.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Policy H18: Replacement Dwellings outside Settlement Boundaries

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

The key issues raised by this application relate to the principle of the development; scale, design, and impact of the development; access, parking, and highway safety; drainage and flood risk; and impact on biodiversity and ecology.

Principle of Development

Under Strategic Policy DS1 of the Copeland Local Plan the application site is located outside of any designated settlement boundary for the Borough and is therefore located within the open countryside.

Strategic Policy DS2 of the Copeland Local Plan states that development within the designated settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. The policy however also states that to ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases: where the

proposal is for housing and; the site is well related to and directly adjoins an identified settlement boundary; and the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or there has been previous under-delivery of housing against the requirement for 3 years or more or the proposal is for a specific type of housing supported by Policies H15, H16 or H17.

Paragraph 84 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: there is an essential need for a rural worker; the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate setting; the development would involve the subdivision of an existing residential building; or the design is of an exceptional quality.

Policy H18 of the Copeland Local Plan allows for the replacement of existing residential dwellings outside of settlement boundaries subject to certain criteria.

The principle for replacing this existing dilapidated residential property in open countryside is therefore considered to be acceptable.

On this basis, it is considered that the development would be in accordance with the Policies of the Copeland Local Plan and provisions of the NPPF.

Scale, Design and Impact of the Development

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Policy H18 allows for the conversion and re-use of buildings in the open countryside for housing outside of settlement boundaries where: the replacement dwelling is to be sited on, or directly adjacent to the footprint of the existing dwelling to be replaced, unless there are clear and demonstrable reasons why an alternative siting or footprint will deliver a more appropriate scheme; and; the replacement dwelling (including any curtilage development) should be no larger in scale, size or massing than the existing dwelling to be replaced and its design must be appropriate to the location, will enhance its immediate setting and will not result in unacceptable impacts on landscape character or unacceptable visual harm.

The existing property is located within the eastern portion of the application site, slightly set back from the existing highway. The proposed replacement dwelling and outbuilding are to be set further back into the site, adjacent to the footprint of the existing dwelling. The relocation of the proposal creates a larger parking and turning area, allowing vehicular to leave the site



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in a forward direction, and improving the existing access. The proposed relocation is considered acceptable given the proximity to the existing footprint and the highway safety benefits achieved. A condition is not considered necessary in this instance to secure demolition of the existing building prior to the replacement's construction as practically the construction cannot take place within the demolition.

Concerns were raised originally with this application regarding the overall scale of the proposed replacement dwelling. Given these concerns the agent for the application has submitted additional justification for the proposal, additional plans to allow for further comparisons, and amended plans to reduce the overall height of the proposed garage to ensure it appears subservient to the main dwelling.

The existing dilapidated property appears from the site frontage as a small dwelling of simple character, however the property benefits from a larger footprint with a significant projection into the rear garden space. The site accommodates four bedrooms within its gross internal floor space of 121m².

Whilst the proposed dwelling is larger in scale, creating a gross floor space of 140m², the increase in floor space is not excessive in the context of the large plot. The increase in footprint allows the replacement dwelling to be fully accessible and to achieve modern energy standard. The existing dwelling could also be significantly extended under permitted development rights which would develop the existing garden space. The proposed dwelling utilises the roof space to create additional living accommodation without significant increasing the overall footprint of the dwelling.

Although the dwelling is larger in scale than the existing property, particularly to the rear, the proposed catslide roof and gable to the frontage reduces the massing of the dwelling and adds interest to the most visible elevation.

The proposed replacement garage is also larger in scale than the existing structure, however the development will create a larger more attractive outbuilding which is capable of accommodating a modern car and will allow for the storage of gardening equipment to maintain the large garden.

Policy H18 seeks to prevent the loss of smaller homes within rural areas, which can make it more difficult for first time buyers, or those needing smaller homes, to move into such locations. Whilst the existing dwelling is in a poor condition, the property is a reasonable sized four bedroomed dwelling within extensive grounds and would therefore not be considered a smaller property which the policy is seeking to protect. Its replacement with a slightly larger three bedroomed dwelling does therefore not conflict with the aim of this Policy.

The existing design and condition of the dwelling is not attractive, therefore the existing dwelling is not considered to positively contribute to the appearance of the site or the surrounding area. Requiring a replacement dwelling of the same massing and character would limit the overall design options and quality, which would not enhance the area.

The application site is well contained by the existing landform and well-established landscape surrounding the site. Visibility into the site is therefore limited to the frontage from the adjacent highway. The proposed replacement dwelling is more modern in design than the existing property. The proposal has however been designed to reflect the overall width of the existing dwelling. Whilst the ridge is higher than the existing the eaves on the site frontage has been set lower and the dwelling is also set back further into the site. These design factors allow the replacement dwelling to appear of a similar nature to the existing structure.

Overall, the replacement dwelling is considered to enhance the local area by replacing a dilapidated structure and would not cause a significant detrimental harm on the local landscape given the constraint nature of the site.

The development is not considered to have an adverse impact on existing residential amenity given separation between the site and the nearest neighbouring dwelling.

Limited details have been provided with regard to the proposed external materials and solar panels, therefore these details will be secured by condition. A condition will also be included to remove permitted development rights as outlined in Policy H18.

The Council's Environmental Health Officer has reviewed the application and offered no objections to the proposal subject to the inclusion of conditions to restrict construction hours and artificial lighting. Environmental Health suggested that the new owners undertake an asbestos survey of the property prior to demolition, and also check for any broken pieces of asbestos sheeting pieces in the garden. The agent has confirmed in writing that the asbestos containing material (ACM) in the existing structure does not need a licensed asbestos specialist to remove it.

On the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with Policies DS4 and H18 of the Copeland Local Plan, and provisions of the NPPF.

Access, Parking and Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document



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that replaces it) where appropriate.

The proposal will replace an existing four-bedroom property with a three bed dwelling. The use of the site will therefore not be intensified by the development. The application seeks to improve the existing access to the site and create a larger parking and turning area. The development is therefore not considered to have a detrimental impact on highway safety. Sufficient parking is proposed to serve the dwelling.

The Highway Authority have offered no comments on this application.

Conditions will be included on any decision notice to secure details of measures to prevent surface water discharging onto/off the highway, a construction traffic management plan, and access gates.

On this basis the proposal is considered to be compliant with the Policy CO4 and CO7 of the Copeland Local Plan, and provisions of the NPPF.

Drainage and Flood Risk

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. As the application is for a replacement single dwelling a Flood Risk Assessment has not been submitted to support this application.

The application indicated that surface water from the development will be disposed of by soakaway and the existing water course. As limited details have been provided of this a condition will be included to secure a surface water scheme for the development.

Foul water from the development will be discharged to a package sewage treatment plant located to the west of the proposed dwelling within the side garden. A condition will be utilised to ensure the development is carried out in accordance with the submitted details.

On this basis the proposal is considered to be compliant with the Policy DS6 and DS7 of the Copeland Local Plan, and provisions of the NPPF.

Impact on Ecology and Biodiversity

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered

on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements. 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 application falls within the definition of a self-build property, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.

Conditions will therefore be included on the decision notice for this application to ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act.

The application site is identified as being a potential area for Natterjack Toads. Whilst the site is just located within 200m of a watercourse, the land has already been developed for residential purposes. The replacement dwelling is to be located on existing hardstanding at the site and is therefore not considered to impact on existing habitats. On this basis it is considered that it would not be necessary to seek a protected species survey for this minor application. Additional surveys have not been requested by the Council's Ecologist.

The building to which this application relates falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines. The application is supported by a Bat, Barn Owl, and Nesting Bird survey, and a Preliminary Roost Assessment.

The submitted Preliminary Roost Assessment concludes the following:

- The existing dwelling has a moderate habitat value to roosting bats.
- The existing outbuildings have negligible value to roosting bats.
- Two bat emergence/re-entry surveys are required on the existing dwelling during the active bat season (May – September) to confirm presence/likely-absence of bat roosting in or on the building.
- Lighting mitigation may be required based on the outline of the night bat survey.
- If bat roosts are confirmed from this survey schedule, a bat licence would be required to demolish the building as it would involve the destruction of roosts. This is applied for with the help of class 2 licensed bat ecologist after planning permission is granted by before the commencement of works.
- Enhancements are dependent on the outcome of further surveys.
- No evidence of nesting birds were found on site during the surveys however birds

could use the building scattered for nesting.

- It is therefore recommended that any building should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings should be undertaken immediately prior to the commencement of works. All active nests will need to be retained until the young have fledged.

The application is therefore supported by a bat survey. This report concludes the following:

- The proposed development will not have any negative impacts on nearby designated sites.
- Four confirmed current bat roost will be lost or damaged by the proposed development.
- Ten bats (9 common pipistrelle and one soprano pipistrelle) emerged from the ridge roost during the first survey. This number is too low to be a maternity roost, and is most likely a group of males and non-breeding females. Unfortunately the damage to the roost site meant that the follow up survey could not corroborate or provide any additional detail to these findings.
- Two further day roosts used by soprano pipistrelles were confirmed on the second survey.
- All of the identified and potential roost sites will be lost as a consequence of the demolition.
- The area surrounding 'Elf Hall' is a good foraging location for bats with good connections to adjacent areas of high quality habitat. The proposed development is unlikely to have a detrimental impact on the quality of the foraging habitat for bats, though external lighting for the replacement house should be minimal.
- Based on the evidence gathered from the two emergence surveys, and the experience of the surveyor, it is likely that an offence will to be committed by the proposed development under the above legislation, and as such an EPS licence will need to be obtained for the proposed demolition.
- No further survey work is required for this project.
- The findings of this inspection report are valid provided that work commences within 12 months of the date of this report.
- There are proven roosts in the building, and as such a protected species mitigation licence will be needed for the demolition to progress lawfully.
- Full mitigation will be described in the paperwork for the licence application, but this will include a full re-inspection prior to works starting, watching brief for the removal of the roof area, provision of temporary and permanent roosting provision on site for the displaced bats.

- External lighting for the new property should be minimal, downward pointing and on sensors to ensure dark skies around the property are maintained.
- The licence needs to be applied for after planning consent is obtained, and a licenced ecologist will need to complete all the relevant paperwork.
- Birds and their nests are protected under British and European law, and no work should take place which would displace breeding birds. The main breeding bird season is from 1st March until the end of July. Demolition is likely to take place before the nesting season, but if delayed then a nesting bird check should be carried out if demolition takes place between mid-March and the end of July.

Based on the conclusions of this report, an appropriately worded planning condition will be attached to any decision notice for this application to ensure the European Protected Species Licence, as approved by Natural England, is submitted to the Local Planning Authority and any mitigation measure outlined are implemented and retained.

In accordance with the CHSR, it is necessary to consider the likelihood of a license being granted by Natural England and in doing so engage with the three derogation tests. The rigour and stringency with which the tests are applied increase with the importance and significance of the roost.

Is the proposed development necessary for imperative reasons of overriding public interest?

The existing buildings are in very poor state of repair and due to storm damage is in a dilapidated state. The demolition of the buildings is necessary to redevelop the site for a new residential dwelling. For these reasons it is considered that the test is passed.

Is there a satisfactory alternative?

It is unlikely that the development could proceed in such a way as to avoid the licensable activities. In conclusion there is no satisfactory alternative.

Will the favourable conservation status of the species be maintained within its natural range?

Taking into account the use of the site by bats and the potential mitigation and compensation measure to be secured as part of the licencing application the favourable conservation status of the species will be maintained within its natural range.

It is therefore considered that the three tests are met and a licence would be likely to be granted by Natural England.

No objections to the application have been received from Natural England.

The Council's Ecologist has confirmed that a European Protected Species Licence will be required for this development to proceed, and that full mitigation will be described in the paperwork for the licence application, but this will include a full re-inspection prior to works starting, watching brief for the removal of the roof area, provision of temporary and permanent roosting provision on site for the displaced bats. The Ecologist has requested conditions to secure a bat specific lighting scheme and enhancement features, however these would be secured through the bat licence and therefore should not be secured by the planning permission. Other requested conditions include works to be completed outside the breeding season and with care taken to protect small mammals. These details will be secured as informative notes within the decision notice.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

Under Strategic Policy DS1 of the Copeland Local Plan the application site is located outside of any designated settlement boundary for the Borough and is therefore located within the open countryside.

Paragraph 84 of the NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting.

Policy H18 of the Copeland Local Plan allows for the replacement of existing residential dwellings outside of settlement boundaries subject to certain criteria. The principle for replacing this existing dilapidated residential property in open countryside is therefore considered to be acceptable.

The proposed replacement dwelling and outbuilding are to be set further back into the site, adjacent to the footprint of the existing dwelling, allowing for enhanced parking, turning and access arrangements for the site.

Whilst the proposed replacement dwelling is larger in scale the increase in floor space is not considered excessive in the context of the large plot and allows the dwelling to be accessible and achieve modern energy standards.

The overall design of the replacement dwelling is more modern than the existing, however design factors allow the replacement dwelling to appear of a similar nature to the existing structure. The roof design and gable along the frontage also add interest to the most prominent elevation.

The replacement dwelling is considered to enhance the local area by replacing a dilapidated structure and would not cause a significant detrimental harm to the local landscape given the constraint nature of the site.

Conditions will be utilised to secure details of external materials, including solar panels, and

	issues relating to drainage and highway safety. A European Protected Species Licence will be required for this development to proceed. A condition will also be utilised to ensure the required Licence, as approved by Natural England, is submitted to the Local Planning Authority, and any mitigation measure outlined are implemented and retained. On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> 1. The development hereby permitted must 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. This permission relates 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 by the Local Planning Authority on the 25th July 2025. - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 25th July 2025. - Existing Survey, Scale 1:100, received by the Local Planning Authority on the 25th July 2025. - Developed Design Site Plan (Amended), Scale 1:100, Drawing No: 02, received by the Local Planning Authority on the 4th September 2025. - Developed Design Plans and Elevations, Scale 1:50, Drawing No: 01, Revision: D,

received by the Local Planning Authority on the 25th July 2025.

- Developed Design Proposed Elevations, Scale 1:50, Drawing No: 03, Revision: D, received by the Local Planning Authority on the 25th July 2025.
- Developed Design Garage – Roof Plan and Elevations (Amended), Scale 1:50, Drawing No: 04, Revision: B, received by the Local Planning Authority on the 2nd October 2025.
- Preliminary Roost Assessment, Prepared by Arbtech May 2025, received by the Local Planning Authority on the 25th July 2025.
- Wastewater Treatment Tricel Nova, received by the Local Planning Authority on the 25th July 2025.
- Foul Drainage Assessment Form (FDA), received by the Local Planning Authority on the 25th July 2025.
- Design & Access Statement, Prepared by John Coward Architects Limited July 2025, Rev: 00, received by the Local Planning Authority on the 25th July 2025.
- Bat Survey, Prepared by South Lakes Ecology August 2025, Report No: 0825/1, received by the Local Planning Authority on the 8th August 2025.
- Existing Floor Plans, received by the Local Planning Authority on the 13th August 2025.
- Existing Elevations, Scale 1:50, Drawing No: 05, Revision: A, received by the Local Planning Authority on the 3rd September 2025.
- Proposed Elevations with Existing Elevations Overlay, Scale 1:50, Drawing No: 06, Revision: -, received by the Local Planning Authority on the 3rd September 2025.
- Design Rationale, Prepared by John Coward Architects Limited July 2025, Rev: 00, received by the Local Planning Authority on the 3rd September 2025.
- Demolition Method Statement, Prepared by John Coward Architects October 2025, Rev: 00, received by the Local Planning Authority on the 2nd October 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.

Pre Commencement Conditions:

3. Within 14 days of obtaining the required European Protect Species Mitigation (EPSM) Licence from Natural England, a copy of the approved Licence must be submitted to the Local Planning Authority. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within the approved Licence and retained thereafter.

Reason

To protect the ecological interests evident on the site in accordance with N1 and N3 of the Copeland Local Plan.

4. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) must be submitted to the Local Planning Authority for approval prior to development being commenced (excluding demolition). Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere in accordance with Policies DS6 and Policy DS7 of the Copeland Local Plan 2021 – 2039.

5. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced (excluding demolition). Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management in accordance with Policies CO4 and CO7 of the Copeland Local Plan.



Cumberland Council

6. Development must not commence until a Construction Traffic Management Plan (excluding demolition) has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:

- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management proposals during the construction phase.

The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

Prior to Erection of External Walling Conditions:

7. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

Prior to First Use/Installation/Occupation Conditions:

8. The foul drainage for the development hereby approved, must be carried out in accordance with principles set out in the following approved documents:

- Developed Design Site Plan (Amended), Scale 1:100, Drawing No: 02, received by the Local Planning Authority on the 4th September 2025.
- Wastewater Treatment Tricel Nova, received by the Local Planning Authority on the 25th July 2025.
- Foul Drainage Assessment Form (FDA), received by the Local Planning Authority on the 25th July 2025.

Prior to the first occupation of the proposed development, the foul drainage schemes must be installed 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 provision of Policies DS6 and Policy DS7 of the Copeland Local Plan 2021 – 2039.

9. Prior to the first installation within the development hereby approved, details of the proposed solar panels will be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter and must not be altered without the prior consent of the Local Planning Authority.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

10. The dwelling hereby approved must be constructed as a self-build and custom housebuilding dwelling within the definitions of self-build and custom housebuilding as contained in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The first occupation of the dwelling hereby permitted must be as the sole or main residence of a person or persons who had primary input into the design and layout of

the dwelling.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with National Policy.

11. At least two months prior to the first occupation of the dwelling hereby approved, details of the person or persons who are to be the first occupants of the dwelling and confirmation that the dwelling is to comprise their sole or main residence shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with National Policy.

Other Conditions:

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwellings/buildings, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity in accordance with DS4 of the Copeland Local Plan.

13. 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
 - Saturday 08.00 – 13.00

No construction works shall take place at any time on Sundays or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan.

14. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

15. Artificial Lighting (External) Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2 contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To safeguard the amenities of nearby residential occupiers and reduce light pollution in accordance with Policy DS4 of the Copeland Local Plan.

Informatives:

1. Works must be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged;
2. All development work must be carried out with care to avoid small mammals such as hedgehogs. Contractors must be briefed about the potential presence of hedgehogs and works should be supervised during initial clearance of the site to avoid injury to

any disturbed individuals.

3. Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered. This will ensure badgers are not trapped during work.
4. All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.

5. 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 – The development comprises a self-build dwelling.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Burns	Date : 23/10/2025
Authorising Officer: N.J. Hayhurst	Date : 24/10/2025
Dedicated responses to:- N/A	