

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2276/0F1
2.	Proposed Development:	ERECTION OF A PRE FABRICATED CONCRETE SECTIONAL GARAGE
3.	Location:	LAND ADJACENT TO 11 GRIZEDALE CLOSE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC Adverts Flood Area – Flood Zones 2 & 3 Coal – Standing Advice
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location The application site comprises a driveway, situated on a no through road serving a modern residential estate within Cleator Moor. The driveway is positioned to the north east side of the dwelling and associated curtilage of 11 Grizedale Close. The driveway is within the control of the occupiers of the dwelling at 10 Grizedale Close, which is the adjoining property situated to the south west of 11 Grizedale Close. The driveway is positioned alongside the driveway of 11 Grizedale Close. A boundary fence encloses the rear and side gardens of 11 Grizedale Close. An area of open protected land is situated to the north east and alongside the driveway. The open land also extends behind the dwellings to the southern side of Grizedale Close. Proposal	

The proposal involves the erection of a pre fabricated concrete sectional garage at the site. The garage would be positioned at the end of the driveway, alongside the boundary fence of the neighbouring property at 11 Grizedale Close.

The garage would measure approx. 6.731m x 2.819m with a height to eaves of approx. 1.981m and an overall height of approx.2.401m. The garage would be finished with panelled dashed walls to the south east and south west elevations, brick effect panels to the north west and north east side elevations with a plastisol roof covering.

Relevant Planning History

N/A

Consultation Responses

Parish Council

No concerns with the application.

Highways

No objections as long as the garage does not displace potential flood water from the Flood Zone 3 plain.

Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties. No resulting representations have been received to date.

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:-

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy H14: Domestic Extensions and Alterations

Policy CO7: Parking Standards

Strategic Policy N12: Protected Open Spaces

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 scale and design and the potential impacts on residential amenity, highways safety and flood risk.

Principle of Development

The proposed application relates to the siting of a detached garage on an existing driveway within Cleator Moor.

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

The principle of the development is therefore accepted within the context of Policy H14 of the Copeland Local Plan.

Scale and Design

Policy H14 of the Copeland Local Plan indicates that domestic extensions and alterations 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 developments should meet high quality standards.

The proposal would result in the siting of a detached garage alongside an existing dwelling and within a residential area. The garage would be of a commensurate scale and massing to surrounding development with finishes which reflect the modern character of the street scene and locality. The scale and design of the proposed garage would not conflict with the character of the application property or those adjacent. The proposed garage extension is therefore considered suitable for the application dwelling and site. There is sufficient space within the driveway to accommodate the garage.

The scale and design of the development would not, therefore, adversely alter the existing building or street scene, nor would it result in overdevelopment of the application site.

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

Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new developments 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 garage would be sited alongside the side garden of the neighbouring dwelling at 11 Grizedale Close. An existing boundary fence would separate the two. Given that the proposed garage would be of a relatively modest scale and massing, and the intervening boundary treatment separating the garage from the neighbouring garden, it is considered that the garage would not have a significant adverse impact upon adjacent residential amenity.

On balance, it is considered that the proposal would retain suitable standards of 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 proposal would result in the loss of part of the driveway to be replaced with a garage at the site. The overall impact of the proposal on existing parking provision is therefore neutral.

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

Flood Risk

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

The application site is within Flood Zone 3, with a high risk of flooding. The Council's Lead Local Flood Authority raises no objections to the proposed development provided that the garage does not displace potential flood water from the Flood Zone 3 flood plain. It is indicated that the garage's design must be appropriate for Flood Zone 3 and built to withstand potential flooding and allow water to flow through it without causing damage or increasing risk. It should not be raised off the ground or elevated to minimise the flood risk as this would lead to the theoretical loss of flood storage capacity and compensatory flood storage might be required. It is recommended that Building Control stipulate suitable levels to comply with this criteria.

The application details and submitted Flood Risk Assessment indicate that the applicant proposes that rainwater from the roof will dissipate to soft landscaping to the perimeter edge. In addition, the applicant has advised that the garage and garage base will not be raised above ground level.

On balance, it is considered that the development would not significantly increase the risk of flooding at the site or within the surrounding area.

The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.

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 below the de minimus threshold which impacts less than 25 square metres of onsite habitat and does not impact an onsite priority habitat. The application details indicate that the proposed development would be de minimus. It is therefore accepted that the biodiversity net gain condition should not be applied in this case.

Protected Open Space

Strategic Policy N12 of the Copeland Local Plan states that the loss of identified Protected Open Spaces will be resisted unless equivalent replacement provision of the same or better quality is provided within the same settlement.

The application site is alongside an identified Protected Open Space.

The proposed development would not result in the loss of the identified Protected Open Space nor would it impact upon access to or the enjoyment of the Space.

	The proposed development therefore satisfies the criteria of Strategic Policy N12 of the Copeland Local Plan. <u>Planning Balance and Conclusion</u> The proposed development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area and highways safety. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.
8.	Recommendation: Approve (commence within 3 years)
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 received on the respective dates and development must be carried out in accordance with them: - Application Form, received 6th August 2025 - Site Location Plan, scale 1:1250, received 6th August 2025 - Proposed Site Plan, Dwg 101SW (excluding elevations and proposed plan), scale 1:200, received 6th August 2025 - Garage Details, DWG NO. A22x09, received 30th September 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 Note

Biodiversity Net Gain – Exemption Applicable

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: Householder development.

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 : 14/10/2025

Authorising Officer: N.J. Hayhurst

Date : 14/10/2025

Dedicated responses to:- N/A