



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2288/0F1
2.	<b>Proposed Development:</b>	ERECTION OF STABLE
3.	<b>Location:</b>	PLOT 30, COASTAL SLOPE, LOWCA
4.	<b>Parish:</b>	Lowca
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Reports
7.	<p><b>Report</b></p> <p><b>SITE AND LOCATION</b></p> <p>The application site comprises a plot of land on the coastal slope area to the west of Lowca village, located outside but adjacent to the settlement boundary as defined on the adopted Copeland Local Plan. The land is undulating and open in character, forming part of the wider rural coastal landscape that rises from the coast inland toward higher ground.</p> <p><b>PROPOSAL</b></p> <p>The application seeks planning permission for the erection of a stable building for the housing of horses, associated feed, tack and shelter. The structure is proposed to be of a simple form</p>	

and scale, designed to accommodate horses and provide shelter for horses that currently graze the land.

The stable will measure 6 metres in length and 3.6 metres in width. It is to be sited on an area of hardstanding.

No additional residential or commercial use is proposed as part of this application.

## **CONSULTATION RESPONSES**

### Parish Council

No objection to the scheme

### Highways Authority

No objections to the scheme

### Countryside Access Officer

No objections

### Coal Authority

No objections

### Env. Agency

No objections

### United Utilities

No objections subject to a planning condition.

### Environmental Health

No objections subject to a planning condition

### Public Representations

The application has been advertised by way of a site notice.

No responses have been received in relation to this advertisement.

## **PLANNING POLICIES**

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by



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Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland. The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only. The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### **Copeland Local Plan 2021 - 2039**

The following policies are relevant to this proposal:

- Strategic Policy DS1 – Settlement Hierarchy
- Strategic Policy DS2 – Settlement Boundaries
- Policy DS4 – Design and Development Standards
- Policy ENV1 – Protecting landscapes
- Policy DM10 – Achieving quality of place
- Policy DM17 – Rural Economic Development
- Policy N3: Biodiversity Net Gain

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

## **ASSESSMENT**

### Principle of Development

The proposal is for a stable building associated with the sheltering of horses that currently graze on the land. The applicant has confirmed that the use of the site will not be altered. The stables will not be used commercially. They will simply provide shelter for the horses and the applicant when they are on the site.

Plot 30 is within a rural coastal landscape, outside the settlement boundary of Lowca. As such, the proposal must be assessed for its compatibility with the landscape character, scale and visual impact.

### Impact on Visual Character and Landscape

The stable is proposed to be modest in scale (6m x 3.6m) and traditional in form, reflecting

typical agricultural and equestrian buildings. Its siting against lower ground reduces its prominence when viewed from public vantage points on higher ground and from the nearest adopted highway.

The design and materials palette (timber cladding, natural roof covering) are typical of rural outbuildings and would assimilate into the surrounding coastal pastureland without introducing incongruous features. Subject to details on materials, colour and finishes, the stable can be adequately integrated into its context.

Any adverse visual impact would be minimal, and given the relatively low height, simple form and traditional character, the building would not harm the intrinsic qualities of the coastal landscape. In this context, the proposal would be consistent with Policies ENV1 and DM10, which seek to protect the landscape while enabling appropriate rural development.

#### Amenity and Neighbouring Impacts

The nearest residential properties are at a significant distance and the stable's operation, by its nature, would not generate significant noise, odour or activity beyond that expected of domestic equestrian use. There are no objections from neighbours recorded at the time of writing, and no statutory consultee has raised amenity concerns.

The development will not materially alter the existing living conditions of nearby residents.

#### Highways and Access

Although the site is located off a rural lane, the stable does not anticipate a significant increase in vehicular traffic beyond occasional deliveries of feed or movement of horses. The access arrangements as shown on the plans do not raise concerns in principle, and no objections have been raised from the Highways Authority.

#### Environmental and Drainage Considerations

A stable building and associated hard standings will require appropriate surface water management. The site's coastal location and topography mean that sustainable drainage measures should be implemented to ensure no runoff adversely affects adjacent land.

Conditions regarding drainage and manure storage may be appropriate. Furthermore, a condition has been requested by the Env. Health team relating to contamination. This can be added to any permission.

#### Biodiversity Net Gain



<p>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.</p> <p>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.</p> <p>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 into the small-scale development category and falls under 25sq metre. The proposal falls within the list of developments except from providing Biodiversity Net Gain. Based on the above, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policy N3 of the Copeland Local Plan and the provisions of the NPPF</p> <p><u>Planning Balance</u></p> <p>The proposal comprises a modest, single equestrian outbuilding in a rural location. While outside the settlement boundary, the development aligns with the existing use on site. The design, scale and materials of the proposed stable building are appropriate and compatible with the coastal landscape. Any visual impact would be limited and can be further mitigated through conditions controlling materials and landscaping.</p> <p>There are no significant adverse impacts on residential amenity, highways safety or the environment. The benefits of providing a functional, sensitively designed equestrian building that supports use of the land, and the wellbeing of the occupier outweigh any limited effects on the rural landscape that are capable of mitigation.</p>	<p>8. <b>Recommendation:</b> Approve (commence within 3 years)</p>
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9.	<p><b>Conditions:</b></p> <p>1.The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.</p> <p>Reason To comply with Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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:-</p> <ul style="list-style-type: none"><li>- Application Form, received on 21st July 2025</li><li>- Site Location Plan, received on 21st July 2025</li><li>- Stable specifications, received on 19th August 2025</li><li>- Photographs of stable, received on 21st July 2025</li></ul> <p>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.</p> <p>3, No development above ground level shall take place until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination of the site, whether or not it originates on the site. The contents of the scheme should be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings produced.</p> <p>Reason To ensure that risks from land contamination are understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>



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4, Prior to first use, details of manure and waste storage arrangements shall be submitted to and approved in writing and retained thereafter.

### Reason

To ensure that the development would not lead to contamination of any local water sources.

5. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall be in accordance with the National Standards for Sustainable Drainage Systems (2025) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed 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.

### Informative Notes

### Public Right of Way

The applicant must be advised that: • The granting of planning permission would not give them the right to obstruct, close or divert the public right of way shown on the attached plan. • The public right of way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

### **Environmental permit - advice to applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **Coal Mining Legacy**

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can



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be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit.

Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

What is a permit and how to get one? –

<https://www.gov.uk/government/publications/permit-process/permit-process>

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance> notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further

information is available on the Mining Remediation Authority website at:  
<https://www.gov.uk/government/organisations/mining-remediation-authority>

### **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 exemptions: The development falls under the definition de minimis

### **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: D. Gibson**

**Date : 21/01/2026**

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

**Date : 26/01/2026**

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