

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2299/0F1	
2.	Proposed Development:	CONVERSION OF EXISTING BARNs INTO A SINGLE FOUR BEDROOM DWELLING INCLUDING THE CREATION OF A PARKING AREA AND INSTALLATION OF A PACKAGE TREATMENT TANK	
3.	Location:	MILL FARM BARNs, THE GREEN, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	<p>This application relates to an existing vacant barn, known as Mill Farm, located within the east of The Green. The site is made up of a large barn and two smaller barns. The property is located on the junction between the A5093 and the unclassified road leading to the Village Hall. Access to the site is via the unclassified road.</p>		
	Relevant Planning History		
	4/90/0834/0 – Change of use and conversion of agricultural buildings and mill to 4 residential		

units – Approved.

4/97/0790/0 – Renewal of outline permission for conversion of agricultural buildings to four residential units – Approved.

4/07/2141/0 – Barn conversion to residential dwelling – Approved.

4/05/2757/0 – Conversion of redundant barn to dwelling – Withdrawn.

4/06/2122/0 – Barn conversion to dwelling – Withdrawn.

4/07/2141/0 – Barn conversion to residential dwelling – Approved.

4/15/2340/0G1 – Removal of condition 7 (re existing access) of planning permission 4/97/0790 (renewal of outline permission for conversion of agricultural buildings to four residential units) – Approved.

4/22/2482/0E1 – Certificate of lawfulness to confirm that a material start has been carried out & works have commenced prior to 3 year date – following planning approval 4/07/2141/0 (barn conversion to residential dwelling) – Withdrawn.

4/22/2483/0E1 – Certificate of lawfulness to confirm that a material start has been carried out & works have commenced prior to 3 year date – following planning approval 4/07/2665/0 (convert existing barn to residential dwelling) – Withdrawn.

4/25/2221/0F1 – Conversion of existing barns into two residential dwellings – Withdraw.

Proposal

This application seeks planning permission for the conversion of the existing barns into a single four bedroomed dwelling including the creation of a parking area and installation of a package treatment tank.

The proposed conversion works will be accommodated within the existing footprint of the existing barns. The proposal will create a hallway, toilet, utility room, and large open plan kitchen/dining room/lounge, and store at ground floor level. At first floor level the proposal will create four double bedrooms, one with an ensuite bathroom, and a family bathroom. The proposed conversion will utilise the existing openings within the structure. New conservation roof lights will be installed within the proposed front and rear roof slope.

The proposal will utilise the existing access to the south of the existing barns, previously approved to serve the adjacent barn conversions. The area to the north and south of the access will be surfaced with permeable block paving to provide two off street parking spaces.

The area around the barn will be grassed to create a garden area for the property.

Foul water from the development will be dealt with via a package treatment tank located to the south of the barn. Surface water from the development will be drained via a sustainable drainage system.



Cumberland Council

Consultation Responses

Millom Without Parish Council

The Council resolve to support the application.

Cumberland Council – Highway Authority and Lead Local Flood Authority

5th September 2025

Highways

In respect of the highways aspects of this application we refer you to our standing advice.

LLFA

The applicant has considered the drainage hierarchy in the provided Drainage Strategy Statement, however there is still a need to undertake infiltration testing and final discharge route clarified.

No drainage has been identified, Foul and Surface water details should be provided. The surface water should not be greater than the already existing. If installing a soakaway we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property.

The applicant could also propose to connect their foul/surface water to an ordinary watercourse via a package treatment plant with a connection to the watercourse with permission being granted by the EA.

The Environment Agency (EA) surface water maps indicate that the site is in flood zone 2, but is also very close to an area shown as Flood Zone 3. The planner may wish to consider if they need to contact the Environment Agency regarding a flood risk assessment.

As currently presented the LHA and LLFA believe the application lacks adequate information. Details should be submitted satisfying the points raised above.

22nd April 2026

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant: surface water drainage.

19th May 2026

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

United Utilities

No comments received.

Environment Agency

23rd September 2025

Environment Agency position

We have no objections to the development as proposed, however we do wish to make the following informative comments:-

Flood Risk Flood risk standing advice - advice to LPA

The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Foul Drainage

The Building Regulations 2010 and Government Guidance contained within the PPG for Water Supply, Wastewater and Water Quality (paragraph 020 ID: 34-020-20140306) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Connection to a private sewer that drains to a public sewer
3. Package sewage treatment plant or septic tank
4. Cesspool

Foul drainage should be connected to the main sewer whenever it is feasible to do so. Where this is not possible, under the Environmental Permitting (England and Wales) Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to either comply with General Binding Rules for Small Sewage Discharges or comply with a permit issued by the Environment Agency, additional to any planning permission that may be required. This applies to any discharge to ground, inland freshwaters, coastal waters or relevant territorial waters. Further information about the permitting process can be found at [Septic tanks and sewage treatment plants: what you need to do](#).

Further advice is available at: [Septic tanks and treatment plants: permits and general binding rules](#).

9th October 2025



Cumberland Council

Environment Agency position

In addition to our previous response referenced NO/2025/117001/01-L01 and dated 23 September 2025, we would like to add the following informative comments:-

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-activities-environmental-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.

Cumberland Council – Environmental Health

22nd September 2025

This application is an amended re-submission of a previous application for two dwellings on the site.

As far as the Environmental Health remit is concerned, the broad details are very similar and, as such, our response is also.

Environmental Health would agree with the conclusion of the Phase 1 Land Contamination Risk Assessment and as outlined in this report, a condition for the submission of a Remediation Scheme and Verification Plan are suggested.

In case of ground works encountering any contamination hotspots, a condition for unexpected contamination is also suggested.

Whilst the outline of the foul and surface water drainage strategies are acceptable, more work to define the specific details are required and a condition to formalise this is also suggested below.

In order to limit intrusion to local amenity during any construction works, a CEMP and the

imposition of standard construction working hours are requested.

As such, Environmental Health would not object to this development and suggests that the following conditions are imposed on any approval: Site specific Construction Environmental Management Plan, Land affected by contamination – Submission and Implementation of Remediation Scheme and Verification Plan, Land affected by contamination – Reporting of unexpected contamination, Drainage, and Noise from Construction Works.

7th May 2026

In terms of the possibility of contaminated soils being present on the site, Environmental Health acknowledge that the Phase 1 Land Contamination Risk Assessment concludes there to be a low risk.

As such, we have no objection to the condition for “the submission and implementation of a remediation scheme and verification plan” being removed (this had previously been requested in our response dated 22.09.25).

The condition for “unexpected contamination” may be retained and would suffice otherwise.

The proposed package treatment plant site is fine, though plans should be submitted for the associated outfall drainage as this may entail encroachment to third party land and / or discharge to Black Beck, which is also designated an Environment Agency ‘main river’.

We, therefore, have no objections to the proposed amendments and in all other respects refer you to our response dated 22.09.25.

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 – Ecology Team

2nd October 2025

Rejection: The Small Sites Metric gives a net loss in biodiversity of -82% and with the trading rules having not been met. Additionally, Appendix C in the Biodiversity Net Gain report does not correspond to the metric submitted. BNG must be provided on site for the small sites metric to be valid. Therefore, the BNG aspect of this application must be readdressed to give a positive net gain for biodiversity if the habitat provision is to be on site. If provision must be offsite then the full Statutory Biodiversity Metric must be used.

Suggested Planning Conditions



Cumberland Council

Breeding Birds

Any building or vegetation removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by a qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Precautions should be taken with machinery and noise levels when working close to any retained nests so as not to disturb any nearby nesting birds during construction works. At least a 3-5m buffer should be created between any machinery and active nests until the young have fledged.

A pre commencement check for barn owl use should be undertaken prior to the beginning of any works.

Small Mammals

All development work should be carried out with care to avoid 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.

Bats

From the site surveys, it has been established that the building is in use as a day roost of Common Pipistrelle (*Pipistrellus pipistrellus*) bats and a day roost of brown long-eared (*Plecotus auritus*) bats. *Due to the proposed works affecting the known roosts, a Natural England Development Licence is necessary to legally carry out the works.*

At the beginning of the works, a licenced ecologist is required to undertake soft demolition by accompanying building contractors in inspecting the structure by hand. This will ensure no hibernating bats are harmed by the works. One 2F Schwegler Bat Box will be required to be installed on the morning of the bat inspection so that any hibernating bats found can be translocated to this feature and allow the works to commence without impacting upon the bats.

It is imperative that no modern breathable felt is used in the new roof design, where bats could be present.

Enhancements

The installation of three bird boxes on retained buildings will provide additional nesting habitat

for birds e.g. Schwegler No 17 Swift Nest Box (buildings), Bark Boxes Blue Tit 25mm (trees), Woodstone Nest Box (buildings or trees), or a similar alternative brand.

Two Eco Bat Boxes or Integrated Eco Bat Boxes should be placed on the structures on the site to compensate for the loss of the existing roosts. It is imperative that no modern breathable felt is used in the building where bats could be present. This is due to the membrane on the modern felt entangling bats and leading to their demise.

Artificial lighting should be avoided around compensatory roosting features. If artificial lighting is required, a sensitive lighting plan with sensored lights triggered by large bodies should be incorporated.

23rd April 2026

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Breeding Birds

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Habitat Management and Monitoring Plan

No development hereby permitted shall commence until:

- a) A Habitat Management and Monitoring Plan (HMMP) in place for 10 years is submitted to and accepted by the council. The 10-year HMMP will be required for onsite gains totalling less than 0.5units.
- b) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans.

BNG Informative

The effect of paragraph 13 of 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 on which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or 2 transitional arrangements are considered to apply. Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for break of planning control.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 10 properties.

A reconsultation was also undertaken on the amended description for this application.

Two letter of objection has been received raising the following concerns:

- The application claims that works have not started. This is untrue. In approximately mid September a hole appeared on site, the hole is not barred off.
- It is not true that there are no trees on the site.
- The trees are important for the well-being of two species of bats currently in the barns.
- The trees would also provide screening from the development and provide privacy.
- There is no mention of how the property will be heated. There is no mains gas in the village. There is no indication of oil tank in the application. The use of heat pumps may be considered. Their location should be considered with regard to potential noise, and the affect on the neighbouring property.
- I have concerns in respect of the foul drainage solution for the proposed application, the drainage strategy report states that any packaged treatment plant is 7m from any building or a soak away 15m from any building, where the proposed location is indicated this would not meet this criteria.
- I have concerns that the effluent waste water will track a short distance under the surface and contaminate our private potable water supply.
- I have addressed this concern previously, the application still has no detail on how this will be achieved in the confines of the site.

Public Reconsultation

Following the receipt of amended/additional information for the application a further reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.



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One letter of objection was received raising the following concerns:

- I am shocked to see the new proposal includes a soak away pipe running across our land, this has not been agreed to and has been discussed with the applicant who was clearly instructed this would not be an option, the existing concerns around the foul drainage still stand.
- The proposed treatment plant and any soak away/ discharge from the plant must take into account the close proximity to other buildings, dwellings and private water supplies around the proposed development, as proposed this does not consider this and further clarification on how this is to be achieved must be sort prior to any decision on the application is made.
- The close proximity of the proposal has a very high risk of cross contamination of foul water with our potable water supply.
- I wish these comment to be read out to the committee prior to any decision on the proposal.
- The submitted plans do not show an accurate representation of the existing shared access to the site. The proposed parking areas are currently shown over this access.
- The plans also show the existing footpath in front of the barn to be grassed.

Public Reconsultation

Following the receipt of amended/additional information for the application a further reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

One letter of objection was received raising the following concerns:

- The latest submission is unclear on the location of the drainage fields for the waste treatment plan and surface water runoff.
- Is it permissible to combine these functions to feed one drainage field?
- Surface water runoff from the highway is an issue, due to the failed drains either side of the carriageway. The water catchment area extends to the traffic lights and beyond, and quickly becomes an issue at Mill Farm even at onset of moderate rainfall rates.

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 2001-2016.

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: Soil, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Policy H13: Conversion and sub-division of buildings to residential uses including large HMOs

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel



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Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2024)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The main issues raised by this application are the principle of development; scale, design and impact on amenity; access and highway safety; flood risk and drainage; and impact on ecology and biodiversity.

Principle of Development

The Green is identified in Strategic Policy DS1 of the Copeland Local Plan as one of the Rural Villages, which are identified as smaller settlements which offer one or two key services, but which are physically separated from settlement within a higher tier. It is stated that limited development would enable future housing needs to be met and would support existing local services. Development should be small scale and should be primarily focused on windfall and infill sites.

The settlement boundary for The Green is defined in Strategic Policy DS2. The application site is located within this settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Policy H13 of the Copeland Local Plan states that conversions of properties within the Borough settlement boundaries will be supported as long as the development does not result in unacceptable harm to residential amenity, future residents have adequate light and privacy, does not result in loss of privacy, and adequate external amenity space and off-street parking is provided or available within close proximity of the site.

The principle of converting these vacant barns to a residential use has previously been established by the previous planning permissions at this site. On this basis, the development would be considered to be in accordance with Policies DS1, DS2, and H13 of the Copeland Local Plan and provisions of the NPPF.

Scale, Design and Impact on Amenity

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 H13 of the Copeland Local Plan states that conversions of properties within the Borough settlement boundaries will be supported as long as the development does not result in unacceptable harm to residential amenity, future residents have adequate light and privacy, does not result in loss of privacy, and adequate external amenity space and off-street parking is provided or available within close proximity of the site.

Permission has previously been granted at this site to convert the existing barn into a residential unit. The most recent permission was granted under reference 4/07/2141/0. Whilst the principle of converting the barn to a residential property remains, the change of use will extend into a larger area of the existing barns. Amendments have been sought to the external appearance of the building to ensure the development utilises the existing openings within the building to ensure the traditional character of the building is preserved.

The proposed barn conversion will accommodate the residential use within the existing footprint of the existing barn with no external alterations. The conversion will utilise traditional materials within the conversion, including timber windows and doors and roof slates. Planning conditions are proposed to secure the use of these traditional materials. Conditions will also be used to secure full details of the proposed solar panels and air source heat pump for this development as these have not currently been provided. Permitted development rights will also be removed so the materials and building cannot be altered without planning permission to safeguard the character of the buildings and safeguarding the amenity of neighbouring properties.

Whilst the development is located within a small group of properties with several barn conversions to the rear, the principle for the proposed conversion has already been established. The relationship between the existing properties and the proposed conversion will remain unaltered, however the number of windows within the rear facing elevation has been reduced limiting the potential overlooking from the property. The boundary treatment and existing layout of the site and adjacent properties also helps mitigate the impact of the development.

No objections have been received from the Council's Environmental Health team subject to the inclusion of conditions relating to noise from construction works and a site-specific construction environmental management plan.

Based on the above and the inclusion of appropriately worded planning conditions, it is considered that the development conserves the traditional appearance and character of the building, and is considered to comply with the requirements of Policy DM13 of the Copeland Local Plan.



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Access & 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 that replaces it) where appropriate.

The use of the site for residential purposes has previously been established at this site. The proposal will utilise the existing access to the south of the site, previously approved to serve the application site and the adjacent barn conversions. Two car parking spaces will be created at the site.

The Highway Authority has offered no comments on this application. The principle of accessing this site via the current access point has previously been established, therefore the proposal is not considered to be unacceptable in terms of highway safety. Whilst the number of parking spaces proposed within the development falls slightly short of the standards set out within the Cumbria Design Guide for a four bedroomed dwelling (2.5 spaces), the number of parking spaces reflects the previous approval at this site. The previous approval for a three bedroomed dwelling also fell short of the required 2.5 parking spaces. A condition will be included on the decision notice to ensure the proposed car parking spaces are created before the occupation of the dwelling and retained thereafter.

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.

Flood Risk & Drainage

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 partly located within Flood Zone 2. The application is therefore supported by a Flood Risk Assessment. The Flood Risk Assessment concludes that the proposed development would be safe, without increasing flood risk elsewhere, and that a positive reduction in flood risk would be achieved through the inclusion of surface water

attenuation in accordance with national policy.

The application states that surface water for the development will be disposed of by a sustainable drainage system. No details have however been provided with the application and will therefore be secured by condition.

The application also indicates that foul water from the development will be dealt with via a package treatment tank located to the south of the barn. No details have however been provided with the application and will therefore be secured by condition.

Whilst the LLFA have requested more information in relation to surface water and foul drainage from the development, the agent for this application has requested that these matters be dealt with via pre commencement conditions. The LLFA have confirmed in an updated response that this is acceptable. These conditions have also been requested by Environmental Health.

No comments have been received from UU.

The Environment Agency have offered no objections to the application; however they have advised that an Environmental Permit will be required. This will be included as an informative on any decision notice.

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 Biodiversity and Ecology

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.

The Biodiversity Net Gain Report originally submitted to support this application advised that the required Net Gain on site could not be accommodated within the application site, therefore off site provision was recommended. The Council's Ecologist however recommended that these assessment be amended and encouraged on site Gains to be incorporated into the proposed development. Based on this recommendation an amended



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Biodiversity Net Gain Report was submitted to include only onsite gain, concluding that the development would require the creation of 0.015 habitat units.

The Council's Ecologist has now offered no objections to the application based on this amended information and has confirmed that as the proposal is below the 0.5unit threshold the Biodiversity Net Gain from the development is not significant and therefore Habitat Monitoring and Maintenance will only need to be secured for a 10 year period.

Conditions will be included to secure the BNG requirements for this development.

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 Emergence Survey Report, and a Preliminary Roost Assessment.

The submitted Preliminary Roost Assessment concludes the following:

- B1a is considered to provide high-value habitat for roosting bats.
- B1b is also considered to provide high-value habitat for bats.
- Furthermore, B1b is considered to be a confirmed roost due to the presence of multiple bat droppings internally.
- Three bat emergence surveys are required during the active bat season (optimal May to August, suboptimal September) to characterise the roosts present.
- An EPSL application to Natural England will be required. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.
- A Material Changes Check will be required within three months of the EPSL submission, if no survey work has been undertaken within that period. If bat droppings were found during the PRA, a sample will need to be sent off for DNA analysis to confirm the bat species present, to inform the EPSL application. Biological records data will also need to be obtained to inform the application.
- A number of old birds nests were recorded internally within B1a and B1b with dead birds also recorded internally.
- No evidence of barn owl use was recorded within B1a or B1b.
- Barn owls could gain access into B1a via openings along the eastern elevation.
- Any building or vegetation removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by a qualified ecologist, prior to the commencement of work.

- All active nests will need to be retained until the young have fledged.
- Precautions should be taken with machinery and noise levels when working close to any retained nests so as not to disturb any nearby nesting birds during construction works.
- At least a 3-5m buffer should be created between any machinery and active nests until the young have fledged.
- A pre commencement check for barn owl use should be undertaken prior to the beginning of any works.

The submitted Bat Emergence Survey Report concludes the following:

- Due to the amount of potential ingress/egress points and suitable roosting features, the building was deemed as being a confirmed roost for bats to roost and confirmed presence of nesting birds. Therefore, three emergence surveys were required during the bat survey season (May to September, inclusive).
- From the survey visits undertaken on the site, it is evident that the structure is in use by roosting bats. The building contains a day roost of brown long-eared (*Plecotus auritus*) bats and a day roost of common pipistrelle (*Pipistrellus pipistrellus*) bats. Due to this, further mitigation efforts will be required.
- From the survey visit undertaken on the site, it can be concluded that the surveyed structure does contain active birds nests. Moreover, several bird species are anticipated within the local landscape and their presence can be assumed.
- The ecological value of the building has been deemed as high to bats. This is due to presence of a brown long-eared (*Plecotus auritus*) bat day roost and a common pipistrelle (*Pipistrellus pipistrellus*) bat day roost.
- The ecological value of the building to birds has been deemed high due to the presence of active nests within the structure.
- Due to the proposed works affecting the known roosts, a Natural England Development Licence is necessary to legally carry out the works. These licences can take up to thirty working days once the paperwork has been completed and submitted.
- All works on the structure must wait to be carried out between the 1st of October and the 1st of April when the bats will have typically relocated to their hibernation roosts. However, it is possible that some bats may remain within their summer roosts over the winter months for hibernation. Due to this, at the beginning of the works, a licenced ecologist is required to undertake soft demolition by accompanying building contractors in inspecting the structure by hand. This will ensure no hibernating bats are harmed by the works. One 2F Schwegler Bat Box will be required to be installed on the morning of the bat inspection so that any hibernating bats found can be translocated to this feature and allow the works to commence without impacting upon



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the bats.

- Post development, two Eco Bat Boxes or Integrated Eco Bat Boxes should be placed on the structures on the site to compensate for the loss of the existing roosts.
- Artificial lighting should be avoided around compensatory roosting features. If artificial lighting is required, a sensitive lighting plan with sensed lights triggered by large bodies should be incorporated.
- It will be necessary to incorporate a bat loft within the structure for the identified void dwelling species. Ideally, the existing loft spaces will be maintained, with the inclusion of bat access features in the new roof. This will ensure that the bats can continue to undertake their pre-emergent flights, whilst being able to access their existing roost. Bat Access Tiles will be required to facilitate access into the loft space post-development.
- It is imperative that no modern breathable felt is used in the new roof design, where bats could be present.
- To ensure continued connectivity for brown long-eared bats (BLE) within the loft space, it is recommended that a bat access point is incorporated into the proposed fire separation wall.
- Additionally, two Schwegler 1FQ bat boxes should be placed upon the interior gable end walls and a ply-board lining should be introduced in order to provide further roosting opportunities for the brown long-eared (*Plecotus auritus*) bats.
- Additionally, the site can also be enhanced by introducing a bat friendly planting scheme in the soft landscaping plan, with one Eco Bat Box potentially installed on any suitable retained mature tree or in a suitable location on any new structures built.
- Due to the presence of nesting birds, no works can be undertaken on the structures during the bird breeding season (March to August, inclusive). If this timescale cannot be achieved, the structures are required to be assessed by a suitably qualified ecologist to confirm the presence or absence of active nests.
- In addition to this, a variety of bird boxes should be installed around the site to enhance the nesting opportunities for a number of additional species within the local landscape.

Based on the conclusions of these 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, are submitted to the Local Planning Authority prior to works commencing at the site, 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 building is in a poor state of repair and is located within a prominent position within the village. The conversion of the building is necessary to redevelop site for a residential use. 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.

The Ecologist has requested conditions to secure a licenced ecologist to undertake soft demolition, a bat specific lighting scheme, and enhancement features, however these details would be secured through the bat licence and therefore should not be secured by the planning permission. A condition will however be placed upon the decision notice to require the submission of a copy of the European Protect Species Mitigation (EPSM) Licence from Natural England to ensure works are carried out in accordance with the mitigation within the Licence.

The Ecologist has also requested other conditions in relation to breeding birds and small mammals. As the majority of these details are detailed within the submitted Ecology Surveys for the application these details will be included as informative notes within the decision notice. The Ecologist has requested the installation of bird boxes as enhancement measures to the scheme, as recommended in the submitted Preliminary Roost Assessment, however as no specific details have been provided this will be secured by condition.

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.

Ground Conditions

Policy DS8 includes provisions requiring that development addresses land contamination and



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	<p>land stability issues with appropriate remediation measures.</p> <p>The application is supported by a Phase 1 Land Contamination Risk Assessment. This assessment concludes that the site represents a low level risk with respect to the proposed development, therefore no further works or investigation will be required beyond the provision of a Remediation Method Statement, outlining the formation of exterior areas on site (i.e. soft landscaping), in light of the lack of suitable soils extant on site.</p> <p>No objections have been received from the Environment Agency.</p> <p>The Council's Environment Health team have also offered no objections to this application subject to conditions to secure the submission and implementation of a Remediation Scheme and Verification Plan and reporting unexpected contamination.</p> <p>Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policy DS8 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance & Conclusion</u></p> <p>The application seeks to convert a redundant and dilapidated barn into a residential unit within the village of The Green, which is identified as a Rural Village within Policy DS1 of the Copeland Local Plan. The site is located within the settlement boundary as identified within DS2 of the Local Plan. The principle of converting this into a residential property has been established by previous planning permissions at this site.</p> <p>The proposed conversion is of an acceptable design and will retain the existing character of the building. Confirmation has been received that traditional materials will be utilised and secured by condition. Permitted development rights will also be removed by condition to safeguard the traditional appearance of the building and protect residential amenity.</p> <p>The development utilises an existing access to create off street parking which is not considered to have a significant detrimental impact on highway safety. No objections have been received from the Highway Authority.</p> <p>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 prior to works commencing at the site, and any mitigation measure outlined are implemented and retained.</p> <p>Conditions will be utilised to secure drainage details, biodiversity, ecology and matters relating to ground conditions.</p> <p>The proposal is therefore 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.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>

9.

Conditions:

Standard Conditions:

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 27th August 2025.
 - Existing Plans, Elevations, Site and Location Plan, Scale 1:100, 1:500 & 1:1250, Dwg No: MVC1065-01, Rev: B, received by the Local Planning Authority on the 27th August 2025.
 - Proposed Plans, Elevations and Site Plan (Amended), Scale 1:100 & 1:500, Dwg No: MVC1065-02, Rev: H, received by the Local Planning Authority on the 7th May 2026.
 - Flood Risk Assessment, Prepared by Castledine Environmental Land Contamination Surveys May 2025, received by the Local Planning Authority on the 27th August 2025.
 - Phase 1 Land Contamination Risk Assessment, Prepared by Castledine Environmental Land Contamination Surveys May 2025, received by the Local Planning Authority on the 27th August 2025.
 - Appendix A, received by the Local Planning Authority on the 27th August 2025.
 - Appendix B, received by the Local Planning Authority on the 27th August 2025.
 - Drainage Strategy Statement, Prepared by Gadsden Consulting Civil & Structural Engineers May 2025, received by the Local Planning Authority on the 27th August 2025.
 - Structural Inspection Report, Prepared by Gadsden Consulting May 2025, received by the Local Planning Authority on the 27th August 2025.



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- Bat Emergence Survey Report, Prepared by Eco 360 June 2025, received by the Local Planning Authority on the 27th August 2025.
- Biodiversity Net Gain Report (Amended), Prepared by 360 Eco March 2025, received by the Local Planning Authority on the 22nd April 2026.
- Small Site Metric (Amended), received by the Local Planning Authority on the 23rd April 2026.
- Preliminary Roost Assessment, Prepared by Arbtech Consulting Ltd August 2024, received by the Local Planning Authority on the 27th August 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 2021-2039.

4. Prior to the commencement of development, details of the proposed bird boxes as required by the approved document 'Preliminary Roost Assessment, Prepared by Arbtech Consulting Ltd August 2024, received by the Local Planning Authority on the 27th August 2025' must be submitted to and approved in writing by the Local Planning Authority. The approved measures must be installed prior to the occupation of the dwelling and must be retained for the lifetime of the development.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 – 2039.

5. No development must commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in accordance with the National Standards for Sustainable Drainage Systems (July 2025) (or any replacement standards) and must follow the hierarchy of drainage options in the National Planning Practice Guidance. The scheme must be informed by site ground conditions and where infiltration is proposed, the submission must include infiltration testing to BRE365 (or any successor standard). Surface water must not discharge to the public sewer unless it is demonstrated (to the satisfaction of the LPA) that infiltration and discharge to a watercourse are not reasonably practicable, and evidence of agreement in principle from the statutory undertaker is provided.

The approved scheme must be implemented before first occupation (or first use) and must thereafter be retained, maintained and managed in accordance with the approved details.

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.

6. Prior to the commencement of development full details of the proposed foul water drainage for the development hereby approved must be submitted to and approved in writing by the Local Planning Authority. Any approved works must be implemented prior to the first occupation of the development and must be maintained thereafter in accordance with the approved details thereafter.

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.

7. No development must take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best



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practicable means to reduce the effects of noise, vibration, dust, any works site lighting and procedures for dealing with complaints and liaison with residents and the Council. The development must be carried out in accordance with any approved details at all times thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy D4 of the Copeland Local Plan 2021-2039.

8. No development must take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing risks to human health, buildings and other property, and the natural and historical environment has been prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of the measures of the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing by the Local Planning Authority.

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 off site receptors in accordance with DS8 of the Copeland Local Plan.

BNG Conditions:

9. The development must not commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 10 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

10. The development hereby approved shall not be occupied until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 9 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

11. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 9, a completion report, evidencing the completed habitat creation and habitat enhancements shall be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.



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12. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 9 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 9 for a minimum period of 10 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

13. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 9 is delivering on its site-wide aims and objectives and habitat condition targets shall be submitted to the Council during years 2, 5, 7, and 10 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 9 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 9.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Prior to First Use/Occupation Conditions:

14. Prior to the first use/occupation of the dwelling hereby approved, the two car parking spaces as shown on the approved plan Proposed Plans, Elevations and Site Plan (Amended), Scale 1:100 & 1:500, Dwg No: MVC1065-02, Rev: H, received by the Local Planning Authority on the 7th May 2026' must be constructed and operational. The car parking spaces must be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with Policy CO4 and CO7 of the Copeland Local Plan 2021-2039

15. Prior to the first installation at the site, full details of the proposed solar panels must be

submitted to and approved in writing by the Local Planning Authority. The solar panels must be installed in accordance with the approved details and retained as such 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 2021-2039.

16. Prior to the first installation at the site, full details of the proposed air source heat pump must be submitted to and approved in writing by the Local Planning Authority. The air source heat pump must be installed in accordance with the approved details and retained as such for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect residential amenity in accordance with DS4 of the Copeland Local Plan 2021-2039.

Other Conditions:

17. The proposed works must be carried out in accordance with and implement all of the details and mitigation measure set out in the approved document 'Flood Risk Assessment, Prepared by Castledine Environmental land Contamination Surveys May 2025, received by the Local Planning Authority on the 27th August 2025', and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DS6 and DS7 of the Copeland Local Plan 2021-2030.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors or skylights and roof coverings, or painting or rendering shall be carried out to the property, nor shall any building, enclosure, extension, porch, domestic fuel container,



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pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with Policy DM13 of the Copeland Local Plan 2021-2039.

19. All rooflights to be installed in the building hereby approved must be of a conservation design and, fitted flush with the slated roof surface and must remain as such at all times thereafter.

Reason

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with Policy DM13 of the Copeland Local Plan 2021-2039.

20. The proposed windows and doors permitted within this development must be of a timber construction and a painted finished and must be maintained as such at all times thereafter.

Reason

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with Policy DM13 of the Copeland Local Plan 2021-2039.

21. The roof of the converted building must be finished with natural slates to match the existing barn and must be maintained as such at all times thereafter.

Reason

To safeguard the traditional appearance of the barns/buildings in the interests of visual amenity in accordance with Policy DM13 of the Copeland Local Plan 2021-2039.

22. 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 2021-2039.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination 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 off site receptors in accordance with DS8 of the Copeland Local Plan 2021-2039.

Informative Notes:

1. Any building or vegetation removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the



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vegetation should be undertaken immediately, by a qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

2. Precautions should be taken with machinery and noise levels when working close to any retained nests so as not to disturb any nearby nesting birds during construction works. At least a 3-5m buffer should be created between any machinery and active nests until the young have fledged.
3. A pre commencement check for barn owl use should be undertaken prior to the beginning of any works.
4. All development work should be carried out with care to avoid 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.
5. 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.
6. In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit.
- 7.

Biodiversity Net Gain – 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

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: C. Burns

Date : 28.05.2026

Authorising Officer: N.J. Hayhurst

Date : 01/06/2026

Dedicated responses to:-