

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2317/001
2.	Proposed Development:	OUTLINE APPLICATION FOR PROPOSED SELF BUILD / CUSTOM BUILD DETACHED DWELLING INCLUDING DETAILS OF ACCESS WITH ALL OTHER MATTERS RESERVED
3.	Location:	OAKLEA, OAKBANK AVENUE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations &Policy	See Report
7.	Report:	<p>SITE AND LOCATION</p> <p>The application site forms part of the residential curtilage associated with the dwelling known as Oaklea, located on Oakbank Avenue within Whitehaven. The site currently comprises domestic garden land associated with the host dwelling.</p> <p>The surrounding area is characterised by established residential development consisting predominantly of detached and semi-detached dwellings set within individual plots. Development along Oakbank Avenue generally follows a suburban pattern with dwellings set back from the highway and benefitting from private garden areas.</p> <p>The site lies within the defined settlement boundary of Whitehaven, identified within the Copeland Local Plan as a Principal Service Centre, where a significant proportion of new housing development is expected to be directed.</p> <p>PROPOSAL</p> <p>The application seeks outline planning permission for the construction of a single self-</p>

build/custom-build detached dwelling within part of the residential curtilage of Oaklea. The application has been submitted in outline form with full details of access to be determined at this stage. The remaining matters of appearance, landscaping, layout and scale are reserved for future approval through a reserved matters application.

Vehicular access to the proposed dwelling would be taken from Oakbank Avenue.

CONSULTATION RESPONSES

Town Council

No comments received

Highway Authority

No objection subject to visibility splays being shown. Conditions relating to the construction of the access and provision of appropriate visibility splays will be added to permission.

United Utilities

No objections to the development but requests that correspondence is sent to the applicant.

Coal Authority

Originally requested a Coal Mining Risk Assessment Report. Have subsequently provided pre-commencement conditions to be used in the absence of a report.

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 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

The following policies are relevant to this proposal:

Strategic Policy DS1: Settlement Hierarchy



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Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy DS9: Protecting Air Quality

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy H8: Affordable Housing

Policy H11: Community-led, Self-build and Custom Build housing

Strategic Policy SC1: Health and Wellbeing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Strategic Policy N6: Landscape Protection

Strategic Policy N9: Green Infrastructure

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy CO2: Priority for improving transport networks within Copeland

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG)

ASSESSMENT

The key issues raised by this proposal are the potential impacts on visual amenity.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application site lies within the defined settlement boundary of Whitehaven. Policy DS1 (Settlement Hierarchy) identifies Whitehaven as the Principal Settlement, where the majority of new housing development should be located due to the availability of services, employment opportunities and sustainable transport options.

Policy DS2 supports proposals for new dwellings within settlement boundaries where they:

- * Are compatible with surrounding land uses
- * Do not result in unacceptable impacts on residential amenity
- * Provide appropriate access and infrastructure
- * Reflect the character of the surrounding area

The proposal seeks outline permission for a single dwelling within an established residential area. The site is surrounded by residential uses and represents an appropriate location for additional housing development.

The proposal would also contribute to the delivery of self-build housing, which is supported by national planning policy. Paragraphs 60–62 of the NPPF encourage planning authorities to support the delivery of a range of housing opportunities including self-build development.

The principle of residential development on this site is therefore considered acceptable in accordance with the relevant policies of the Copeland Local Plan.

Design, Character and Appearance

Policy DS4 (Design and Development Standards) requires new development to be of a high quality design that contributes positively to the character of the surrounding area.



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Development should respond appropriately to its context in terms of scale, layout, form and materials.

The surrounding area is characterised by established residential development consisting primarily of detached and semi-detached dwellings set within individual plots.

The application has been submitted in outline form with only the access arrangements to be determined at this stage. Matters relating to the appearance, scale, layout and landscaping of the dwelling will be considered at the reserved matters stage.

The site appears to be of sufficient size to accommodate a single dwelling without resulting in overdevelopment of the plot. Subject to appropriate design considerations at the reserved matters stage, it is considered that the proposal could integrate appropriately within the established pattern of development along Oakbank Avenue.

The proposal is therefore considered capable of complying with Policy DS4 of the Copeland Local Plan.

Residential Amenity

Policy DS4 (Design and Development Standards) seeks to ensure that development proposals do not result in unacceptable impacts on the amenity of existing or future occupiers.

Whilst the detailed layout of the dwelling is not yet known, the site appears capable of accommodating a dwelling that maintains appropriate separation distances from neighbouring properties.

Given the modest scale of the proposal and the size of the site, it is considered that the development could be designed in a manner that avoids unacceptable impacts relating to:

- * Overlooking
- * Overshadowing
- * Loss of privacy
- * Overbearing impacts

These matters will be fully assessed at the reserved matters stage when detailed design information is submitted.

The proposal is therefore considered capable of complying with Policy DS4 of the Copeland Local Plan.

Highway Safety and Access

The proposed dwelling would take access from Oakbank Avenue, which serves the surrounding residential area. The development relates to a single dwelling and therefore the level of additional traffic generated would be minimal.

The Highway Authority has been consulted and has raised no objection to the proposal subject to visibility splays being provided. These splays have been provided and clearly show an acceptable access can be achieved.

Paragraph 115 of the NPPF states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety or where the residual cumulative impacts on the road network would be severe.

Given the modest scale of the development, the proposal is not considered likely to have any material impact on highway safety or capacity.

Biodiversity and Biodiversity Net Gain

Policy N3 (Biodiversity) seeks to ensure that development protects ecological assets and incorporates biodiversity enhancement wherever possible.

The Environment Act 2021 introduced a statutory requirement for most development to deliver a minimum 10% Biodiversity Net Gain secured through Schedule 7A of the Town and Country Planning Act 1990 (as amended).

However, the legislation also provides exemptions for certain categories of development. These exemptions are set out within the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

One such exemption applies to self-build and custom housebuilding, provided that:

- * The development consists of no more than nine dwellings,
- * The site area does not exceed 0.5 hectares, and
- * The dwelling is intended to be occupied by the self-builder as their sole or main residence.

The proposal relates to the construction of a single self-build dwelling and therefore falls within the category of development that is exempt from the statutory Biodiversity Net Gain requirement.

As such, the proposal is not required to submit a Biodiversity Gain Plan or demonstrate the delivery of 10% Biodiversity Net Gain.



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Planning Balance and Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application seeks outline planning permission for the construction of a single self-build dwelling within the defined settlement boundary of Whitehaven.

The development would represent a modest addition to the local housing supply and would support the delivery of self-build housing, which is encouraged by national planning policy.

Subject to the submission of reserved matters and the imposition of appropriate planning conditions, the proposal is considered capable of being delivered in a manner that protects the character of the surrounding area and safeguards the amenity of neighbouring occupiers.

The development is exempt from the statutory Biodiversity Net Gain requirement by virtue of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Having regard to the above considerations, the proposal is considered to comply with the relevant policies of the Copeland Local Plan and the guidance contained within the National Planning Policy Framework.

Accordingly, the proposal is considered to represent an appropriate form of sustainable development.

8. **Recommendation:**
Approve in Outline

9. **Conditions:**

Reserved Matters

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development begins.

Reason

The application has been submitted in outline form and these matters have been reserved for subsequent approval in accordance with the provisions of Article 5 of the Town and

Country Planning (Development Management Procedure) (England) Order 2015.

Reserved Matters Time Limit

2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:-

a) The expiration of THREE years from the date of this permission

Or

b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

List of Plans .

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form, received on 16th September 2026

Location Plan, reference 18/02/924 -01, received on 11th September 2026

Existing Site Plan, reference 18/02/924 -01, received on 11th September 2026

Proposed Site Plan, reference 18/02/924 -03a, received on 10th March 2026

Reason

For the avoidance of doubt and in the interests of proper planning.

Access Construction

4. Prior to the commencement of development, details of the proposed vehicular access including construction materials, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed in accordance with the approved details prior to the occupation of the dwelling.

Reason

To ensure the provision of a safe and suitable access arrangement in the interests of highway safety in accordance with Policy CO2 of the Copeland Local Plan 2021–2039.



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Visibility Splays

5. The approved visibility splays shall be provided at the access in accordance with details illustrated on plan reference Site P reference 3a prior to the occupation of the dwelling. The approved visibility splays shall be retained thereafter free from obstruction above a height of 1 metre above carriageway level.

Reason

To ensure adequate visibility for drivers entering and leaving the site in the interests of highway safety in accordance with Policy CO2 of the Copeland Local Plan and the National Planning Policy Framework.

Surface Water Drainage

6. No development shall commence until details of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwelling.

Reason

To ensure that the development is adequately drained and does not increase flood risk elsewhere in accordance with Policy DS6 of the Copeland Local Plan 2021–2039 and the National Planning Policy Framework.

Foul Water Drainage

7. No development shall commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwelling.

Reason

To ensure the provision of an adequate means of foul drainage in the interests of environmental protection in accordance with Policy DS6 of the Copeland Local Plan.

Construction Management Plan

8. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of construction hours, parking of construction vehicles, delivery

arrangements and measures to control dust and noise during construction.

Reason

To minimise disturbance to neighbouring residential occupiers during construction in accordance with Policy DS4 of the Copeland Local Plan 2021–2039.

Ground Conditions

9. No above ground development shall commence (excluding the demolition of any existing structures) until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure the risks from previous mining activity are minimised.

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity

Reason

To ensure the risks from previous mining activity are minimised.

Removal of Permitted Development Rights

11. 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 or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building,



Cumberland Council

enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

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

Self Build/Custom Build

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

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

Reason

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

Informative Notes

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 considered to apply.

Applicable exemption: Self-build and custom build development

<p>Development which: consists of no more than 9 dwellings, and is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.</p> <p>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.</p>	
<p>Case Officer: D. Gibson</p>	<p>Date : 09/03/2026</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 12/03/2026</p>
<p>Dedicated responses to:- N/A</p>	