

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2350/0E1
2.	Proposed Development:	LAWFUL DEVELOPMENT CERTIFICATE TO CONFIRM THAT A MATERIAL COMMENCEMENT HAS BEEN MADE TO PLANNING PERMISSION 4/17/2053/0F1 DEMOLITION OF EXISTING ROYAL BRITISH LEGION CLUB & PROPOSAL TO BUILD 3 NO TERRACED DWELLINGS
3.	Location:	86 WELLINGTON STREET, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location This application relates to the former Royal British Legion Club, located on Wellington Street situated within the centre of Millom. The existing single storey building has been vacant since 2013 and is in a dilapidated state. Relevant Planning History 4/17/2053/0F1 – Demolition of existing Royal British Legion Club & proposal to build 3 no terrace dwellings – Approved.	

Proposal

This application seeks a lawful development certificate to confirm that a lawful start has been made at the site due to the partial demolition of the former Royal British Legion Club.

The applicant has submitted an application form stating when the demolition works were undertaken, and has provided photos to show the area of demolition and invoices of the works undertaken as evidence.

Consultation Responses

There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the context of a specific application. This normally only relates to Lawful Use applications for existing uses. In this case the application relates to proposed development and seeks to establish that the works undertaken so far are considered to constitute a lawful start. In such cases views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Millom Town Council

4th November 2025

Whilst Millom Town Council do not object to the development of new housing in the area we would like to reiterate our concerns over the Victorian sewerage system within the area. Once again it is our understanding that Cumberland Council had previously agreed that no new dwellings should be approved in Millom until the town's sewage system is significantly improved. This position was taken in recognition of the existing infrastructure's limitations and the environmental and public health risks posed by further strain on the system. Given this, I am concerned that approval of the above application would contradict this prior agreement and potentially exacerbate existing issues with sewage capacity and treatment in the area. The infrastructure is already under pressure, and further development without appropriate upgrades could lead to serious consequences for residents and the environment. I respectfully request that the Council uphold its previous stance and defer or reject this application until such time as the necessary improvements to Millom's sewage system have been completed.

4th November 2025

No objections in principle to this application.

Relevant Planning Policy/Legislation

Town and Country Planning Act 1990

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Planning Practice Guidance

Legal Considerations

Section 191 of the TCP Act 1990 allows amongst other things, an application to be made to confirm that any operations which have been carried out in, on, over or under land are lawful.

In this instance it is claimed that the works which have been undertaken fall within the definition of development and are therefore sufficient to constitute a commencement of development.

Section 56 of the Town and Country Planning Act 1990 determines that development of land shall be taken to be initiated when:

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
- (b) if the development consists of a change in use, at the time when the new use is instituted;
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

Section 56, part 4 defines a material operation as:

- (a) any work of construction in the course of the erection of a building;
- (aa) any work of demolition of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- (d) any operation in the course of laying out or constructing a road or part of a road;
- (e) any change in the use of any land which constitutes material development.

	<p>Assessment</p> <p>Concerns were originally raised regarding the level of evidence provided by the applicant to determine when the partial demolition works were undertaken. Additional evidence in the form of invoices for works, equipment, and material removal from site were therefore supplied which correspond to the date of works confirmed by the applicant.</p> <p>Section 56, Part 4(aa) of the Town and Country Planning Act 1990 states that a 'material operation' means any work of demolition of a building, this therefore does not require all the permitted demolition to be undertaken to constitute a material start.</p> <p>Based on this, and the information submitted as part of this application, the material works which have been undertaken on the site to partly demolish the former Royal British Legion Club in accordance with the approved plans constitutes a material operation as set out in Section 56, Part 4(aa) of the Town and Country Planning Act 1990.</p> <p>These works were commenced within the timescale specified on the decision notice and the pre commencement conditions have previously been discharged.</p> <p>These works are sufficient to constitute a material commencement of the planning permission approved for the demolition of the existing Royal British Legion Club and for the erection of three terrace dwellings on the application site.</p> <p>On this basis it is appropriate for a lawful development certificate to be granted.</p>	
8.	<p>Recommendation:</p> <p>Approval of Certificate of Lawfulness</p>	
Case Officer: C. Burns		Date : 27.11.2025
Authorising Officer: N.J. Hayhurst		Date : 05.12.2025
Dedicated responses to:- N/A		