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**Town and Country Planning Act 1990**

**Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

Determination of Local Planning Authority as to whether the prior approval of the authority is required for the below development.

Mr Michael Dawson  
Day Cummins Ltd  
Lakeland Business Park  
Lamplugh Road  
Cockermouth  
CA13 0QT

**APPLICATION No: 4/25/2360/0F1.**

**PROPOSAL: PRIOR APPROVAL APPLICATION FOR CONVERSION OF BARNS INTO DWELLINGS – BARN 1 ONE 3 BEDROOM DETACHED DWELLING; BARNS 2 & 3 TO BE DEMOLISHED TO CREATE COURTYARD PARKING; BARN 4 TWO BEDROOM DETACHED BUNGALOW; BARN 5 TWO SEMI DETACHED TWO BEDROOM DWELLINGS.**

**LOCATION: MOWBRAY FARM, FRIZINGTON ROAD, FRIZINGTON.**

Under the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), I hereby confirm that this Authority has made the following determination:

**THAT THE PRIOR APPROVAL OF THE AUTHORITY IS REQUIRED AND APPROVED SUBJECT TO THE FOLLOWING PLANNING CONDITIONS:**

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

**Application Form**

Location Plan/Land Ownership - Drawing No. 6088 12

Proposed Site Plan - Drawing No. 6088 10 Rev. A

Plans and Elevations - Barn 1 - Drawing No. 6088 1 Rev. A

Plans and Elevations - Barn 2 & 3 - Drawing No. 6088 2

Plans and Elevations - Barn 4 - Drawing No. 6088 3 Rev. A

Plans and Elevations - Barn 5 – Drawing No. 6088 5 Rev. A

Drainage Strategy - Change of Use of an Agricultural Building to a Dwelling

Design Access Statement Mowbray Farm - Barn 1-5 Conversion of Redundant

Barns to Dwellings

Preliminary Roost Assessment – Mowbray Farm, Frizington Road, Frizington, Cumberland. CA26 3QU. 4<sup>th</sup> April 2025

**VISUAL STRUCTURAL INSPECTION OF THE BARNs ADJACENT TO MOWBRAY FARM FRIZINGTON CUMBRIA FOR RC CIVILS - Reference - WDS/05/9202/REP01**

**Reason**

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

***Drainage***

2. Notwithstanding the submitted details, no development shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason**

To promote sustainable development, secure proper drainage and to manage the risk of flooding.

***Materials***

3. Notwithstanding the submitted details, no works to the exterior of the building shall be commenced until samples and details of the materials to be used in the construction of the external surfaces of the development including the windows and doors have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

**Reason**

To ensure the development is of a high quality design.

***Ecology***

4. The development shall be completed in accordance with the provisions of Preliminary Roost Assessment – Mowbray Farm, Frizington Road, Frizington, Cumberland. CA26 3QU. 4<sup>th</sup> April 2025.

**Reason**

In the interests of preventing harm to ecology.

***Parking***

5. The dwellings hereby approved shall not be occupied until the approved parking layout space to serve the dwellings have been constructed and made available for use.

The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose and shall be retained for the lifetime of the development.

Reason

To ensure adequate provision of vehicle parking.

#### *External Lighting*

6. The dwellings hereby approved shall not be occupied until a scheme for the provision of external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the location, design, luminance levels, and light spillage of all external lighting within the site.

The approved lighting scheme shall be implemented in full prior to first occupation of the dwellings hereby approved.

No additional external lighting shall be installed without the express permission of the Local Planning Authority.

Reason

To safeguard and enhance the character of the area and secure high quality design, prevent amenity harm and prevent ecological impacts.

#### *Construction Management*

7. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

Reason

In the interests of neighbouring residential amenity.

### *Contamination*

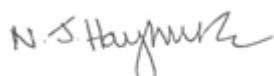
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

### Reason

To prevent harm to human health and the environment.



Nick Hayhurst  
Head of Planning and Place

16<sup>th</sup> December 2025

### **Informative Notes**

#### **Timescale for Completion of Development**

Condition Q.2 (4) of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) requires that the development hereby approved *must be completed within a period of 3 years starting with the prior approval date i.e. the date of this decision.*

### **Countryside Access**

Given the proximity of the proposed development to the FP 401005 the applicant must contact the Countryside Access Team

Countryside.Access@cumberland.gov.uk to discuss the need for a temporary closure or diversion of the Public Right of Way for the duration of any works.

The applicant must be advised that:

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

### **Development Low Risk Area – Standing Advice – Mining Remediation Authority**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://Mining Remediation Authority - GOV.UK)

## **APPROVALS (OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

### **TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

#### **PART 2**

#### **TOWN AND COUNTRY PLANNING ACT 1990**

##### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

##### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his

interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.