



## CUMBERLAND COUNCIL

### DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2363/0F1
2.	<b>Proposed Development:</b>	PROPOSED GARAGE/STORE FOR TOOLS TO SUPPORT ALLOTMENT AGRICULTURAL WORK
3.	<b>Location:</b>	LAND TO THE REAR OF 39 MAINSGATE ROAD, MILLOM
4.	<b>Parish:</b>	Millom
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts Flood Area - Flood Zone 2 Coal - Off Coalfield - Data Subject To Change Key Species - Potential areas for Natterjack Toads
6.	<b>Publicity Representations &amp;Policy</b>	See report.
7.	<b>Report:</b> <b>Site and Location</b> The application site relates to Land to the rear of number 39 Mainsgate Road, Millom. The land is separate to the dwellings along Mainsgate Road by a shared access road to the rear. The site is 22 metres in length and 8 metres in width and is currently used as a domestic garden/allotment. It is bound with a 1.8 metre concrete wall.  <b>Proposal</b> The proposal involves the erection of a concrete sectional garage at the site to support allotment and garden works. The garage would be located to the rear of 39 Mainsgate Road. It is proposed to remove part of the wall in order to facilitate a 6 metre x 2.5 metre garage/tool	

store, with a sloping roof with overall height of 2.7 metres.

The proposal includes a 2 metre x 2 metre visibility splay, and reinstatement of the 1.8 metre wall where necessary.

The garage is of simple construction and would be finished with panelled dashed walls with a garage door to the front elevation.

### **Relevant Planning History**

No previous applications at this site.

### **Consultation Responses**

Millom Town Council – No objections.

Highways & LLFA

#### *1<sup>st</sup> response*

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: The applicant will need to provide a scaled plan showing what visibility splays are available for the new garage access, in this location we will accept a 2m setback from the centre of the access point. As noted on the provided block plan, the wall is to be rebuilt, however the applicant will need to provide a 2x2m taper to aid visibility as per drawing Figure V11 in the Cumbria Development Design Guide. Upon receipt of the above information, we will be able to provide a further response.

#### *2<sup>nd</sup> response*

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: Following a review of the proposal, the construction of a garage is expected to result in only a slight increase in vehicular movements associated with the site. I can therefore confirm that the Local Highway Authority has no objection to the proposal.

Public Representations The application has been advertised by way of neighbour notification letters issued to 5 properties. No representations have been received in response to this consultation.

### **Planning Policies**

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 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 Local Plan as commenced by Copeland Borough Council. The Local Plan 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.

The policies relevant to this application are as follows:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

### **Assessment**

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, highway safety, flood risk and ecology and biodiversity net gain.

### **Principle of Development**

Millom is identified in Strategic Policy DS1 as a Key Service Centre.

It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.

The settlement boundary for Millom is defined under Strategic Policy DS2.

The application site is located within the Millom 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 DS4 of the Copeland Local Plan indicates that all new developments should meet high quality standards.

This application relates to Land to the rear of number 39 Mainsgate Road, Millom. The land is separate to dwellings along Mainsgate Road by a shared access road to the rear. Planning permission is sought for the erection of a concrete garage on this land.

The principle of the development is therefore accepted within the context of Strategic Policies DS1, DS2 and Policy DS4 of the Copeland Local Plan.

#### Impact of the Development; siting, scale, design, and residential 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.

The proposal would result in the siting of a detached garage on the land to the rear of 39 Mainsgate Road to support allotment and garden works.

It is proposed to remove part of the existing concrete wall in order to facilitate a 6 metre x 2.5 metre garage/tool store, with a sloping roof with overall height of 2.7 metres. The garage is of simple construction and would be finished with panelled dashed walls with a garage door to the front elevation.

Following a site visit, it is clear that there are other similar garages/outbuildings within the immediate vicinity. Therefore, the garage is considered to be of an acceptable scale and design that would not conflict with the character of the application property or those adjacent.

The proposed materials are suitable for their use and reflect the character of the street scene and locality.

No objections have been raised from neighbouring properties in response to the consultation; however a planning condition is proposed to ensure that the garage remains domestic in nature and is not subdivided, occupied or sold as a separate, independent unit in order to safeguard the residential amenity.

The proposal is therefore considered to be acceptable and unlikely to create any visual or residential amenity issues.

It is therefore considered that alongside the proposed planning condition stated above, the proposal would not negatively impact upon the character and appearance of the surrounding area, nor would it adversely affect the neighbouring properties or wider residential area, and



therefore complies with Policy DS4 of the Copeland Local Plan.

#### Highway Safety

Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The proposal would not result in the loss any parking arrangements already existing at the site.

Following comments from the Highway Authority, it is proposed to include a 2 metre x 2 metre visibility splay, and then reinstate the 1.8 metre wall where necessary.

The overall impact of the proposal on existing parking provision is therefore acceptable.

The proposal therefore complies with Policy CO7 of the Copeland Local Plan in this regard.

#### Flood Risk

Strategic Policy DS6 seeks to protect developments against risks of flooding and ensure that flood risk is reduced and mitigated.

Whilst the site boundary of the proposal is within the vicinity of Flood Zone 2, the location of the garage structure is not. The proposal is therefore not supported by a Flood Risk Assessment. As the structure is located on an existing area of hardstanding, it is not considered that this will increase the flood risk on site.

The Local Lead Flood Authority have raised no objections to the proposal.

On this basis, the development satisfies Strategic Policy DS6 of the Copeland Local Plan.

#### 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 exempt from these BNG requirements.

Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun because the

	<p>application site is proposed to be less than 25 square metres, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.</p> <p>The application site is identified as a potential area for natterjack toads. The application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and the proposal is for the erection of a concrete garage (some areas of which are already located on hard surfaces) on an existing residential site, located within a built up area.</p> <p>On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.</p> <p>Based on the above, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks permission for the installation of a concrete sectional garage at the site to support allotment and garden works.</p> <p>The proposed development is considered to be appropriate in scale and design and will not harm residential amenity, nor increase flood risk on site.</p> <p>The proposal will not have any detrimental impacts upon Highway safety subject to the use of a Planning condition which secures the proposed visibility splays.</p> <p>The application is not supported by any ecology details and is exempt from BNG.</p> <p>On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b> Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>



2. Permission shall relate 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 14<sup>th</sup> October 2025;
- Site Notes, drawing MEJ/2025/851/001, received 14<sup>th</sup> October 2025;
- Site Location Plan, scale 1:1250 drawing MEJ/2025/851/002, received 14<sup>th</sup> October 2025;
- Proposed Garage Store Details, scale 1:50 drawing MEJ/2025/851/003, received 14<sup>th</sup> October 2025;
- Proposed Site Plan (amended) – issue 2, scale 1:100 drawing MEJ/2025/851/002A, received 20<sup>th</sup> November 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.

3. The garage hereby permitted shall be used solely for domestic purposes ancillary to the use of the land to the rear of 39 Mainsgate Road and shall at no time be used for commercial or business purposes whatsoever, or subdivided, occupied or sold as a separate, independent unit.

Reason

To safeguard the residential amenity levels of the locality and in the interests of highway safety, in accordance with Policy DS4 of the Copeland Local Plan.

### **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

<p>require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.</p> <p>Applicable exemption: De Minims</p> <p><b>Statement</b></p> <p>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>	
<b>Case Officer:</b> Demi Crawford	<b>Date :</b> 16/12/2025
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 16/12/2025
<b>Dedicated responses to:-</b> N/A	