

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2403/0F1	
2.	Proposed Development:	CHANGE OF USE OF LAND TO DOMESTIC GARDEN; THE DEMOLITION OF EXISTING OUTBUILDINGS; AND THE CONSTRUCTION OF A GENERAL PURPOSE/STORAGE BUILDING & WORKSHOP, RETENTION OF EXISTING POLYTUNNEL, & CREATION OF INTERNAL ACCESS TRACK	
3.	Location:	LAND TO THE NORTH WEST OF POOLSIDE, HAVERIGG	
4.	Parish:	Millom	
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
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 land to the north west of Poolside, located to the northeast of Haverigg. The site relates to 0.46 hectares of land located to the rear of a set of terrace properties which front onto Poolside. The site is bounded to the north and east by residential properties, to the south by allotment gardens and to the west by open countryside. The site is</p>		

predominantly grassland with a small cluster of tree and hedgerows to the perimeter with two outbuildings currently in a poor state of repair.

The site is accessed via a narrow access track from Poolside located between existing terrace properties. It is stated that the site has been historically used as part garden and part campsite.

Relevant Planning History

4/92/0935/0 – Polytunnel – Approved.

4/96/0778/0 – Polytunnel – Approved.

Proposal

The application seeks planning permission to change the use of the land and to formalise the use as a domestic garden. Whilst the applicant does not live immediately adjacent to the site they live within the locality and wish to utilise this land as an extension to their existing amenity space. The change of use will relate to the full extent of the site with the only alterations proposed detailed below.

The site currently benefits from two dilapidated outbuildings located to the northeast side of the land. The application seek approval to demolish these structures due to the condition of the buildings and not meeting the applicant's requirements. The application therefore also seeks permission for the construction of a general-purpose building and workshop on the site of the smaller of the existing outbuildings. The proposed building/workshop will measure 8.3m x 13.75m, with an eaves height of 3m and an overall height of 3.8m. The building will benefit from a metal roller shutter door within the front elevation for vehicle access and a pedestrian access door within the side elevation.

Externally the building will be finished with juniper green cladding and fibre cement roof panels with plastic sheets to allow for natural lighting. The building will be used for domestic purposes, with additional clarification being provided by the applicant with regard to the use of the building which will be to store equipment to maintain the land, including a tractor, mower, topper, and scarifier, storage of trailers, boat and ATV, along with equipment from gardening and growing vegetables.

The application also seeks permission to retain the existing polytunnel which will be located to the southwest of the proposed building. The existing frame will be retained and refurbished with a new cover. The polytunnel will be used for a kitchen garden to grow vegetables.

Planning permission is also sought for the creation of an internal access track. The proposal seeks to install a new gravel strip from the existing site entrance located in the southern concern of the site, to the proposed new building. The gravel strip will also extend around the



Cumberland Council

perimeter of the new building.

Consultation Responses

Millom Town Council

18th December 2025

No objections in principle to the above application.

Cumberland Council – Highway Authority and Lead Local Flood Authority

17th December 2025

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

11th February 2026

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

Environment Agency

9th December 2025

Environment Agency position:

We have no objections to proposed development.

A basic Flood Risk Assessment (FRA) has been submitted with the application. The FRA was prepared by Rubicon Project Consultancy Ltd, titled 'Flood Risk Assessment For Land at Poolside Haverigg Millom Cumbria LA18 4HW', dated November 2025.

As a result of the FRA, the applicant, as owners of the existing property, will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

5th February 2026

Environment Agency position:

We have reviewed the amended plans and have no further comments to add to our previous response on 9 December 2025 (letter ref: NO/2025/117173/01-L01)

Cumberland Council – Environmental Health

16th December 2025

There appears to be no previous industrial use of this land looking at historical OS Maps.

The land shows no formal use until the release of the 1969 OS map edition when numerous outbuildings on it are shown.

Millom Town Council advised that the land was used as a seasonal caravan site in the past, and that the site was affiliated with the Caravan Club and used in summer for their members.

If this were the case, the Caravan Club was / is an exempt organisation from the local authority caravan site licensing regime and so no records / inspections of the site would have been undertaken by Environmental Health at that time.

Planning records from 1992 and 1996 respectively show planning approval for the provision of polytunnels on the site (gardening).

Council mapping indicates a 225 mm combined public sewer on the access lane to this site.

We are not aware if there is a drain connection into the site (where was sewage disposed to when the caravans were on site)?

The developer should therefore check whether there are drains on site and if they connect to the public sewer.

It is noted that the Ecology Team has requested a CEMP as a condition if approval is granted.

Environmental Health would support this request and request that construction noise be added to this document.

Local residential amenity could also be affected by noise disturbance during the demolition / construction phases and by light pollution / nuisance if unsatisfactory external artificial lighting is provided to the new build and conditions on this are suggested below.

In conclusion, therefore, Environmental Health do not object to this development and request that the following conditions are considered to any approval: Artificial Lighting and Noise from Demolition / Construction Works.

11th February 2026

Although the development application appears to have broadened slightly in context, and there are additional details provided to this application dated February 2026, there are no objections or further comments from Environmental Health, subject to those provided on 16.12.25 which should still apply.

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.

Cumberland Council – Ecology Team



Cumberland Council

2nd December 2025

Suggested Planning Conditions:

Shadow Habitats Regulations Assessment (sHRA)

A sHRA is required to discuss the potential likely significant effects upon the Duddon Estuary SPA and SAC.

Construction Environmental Management Plan (CEMP)

A CEMP should be produced to detail the procedures for protecting the environment during construction to address the following points (but not limited to):

- Pollution prevention control
- Dust mitigation
- Impaction of habitats
- Species protection during construction (see below)

Ecological Supervision

- In order avoid committing a wildlife offence under the Wildlife and Countryside Act 1981 (as amended), the applicant must employ an Ecological Clerk of Works (ECoW) for the initial clearance works. The ECoW will ensure the avoidance and protection of breeding birds, small mammals, herptiles (if any) and ensure the works adhere to the procedures set out in the CEMP.

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

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.

Herptiles

As a precautionary approach, the following measures must be followed and supervised by an ECoW:

- All work must take place during daylight hours as amphibians are more likely to be

commuting overnight and this will ensure the risk to any amphibians commuting through the site will be minimised.

- During the development, measures should be put in place to discourage amphibians from using the development area, the creation of any piles of earth, materials and rubble which could form potential artificial hibernacula and refuge should be avoided at all times. Any spoil or rubble will be removed immediately to skips, or on hard standing or short grass. This will ensure that no potential amphibian hibernation or resting sites are created.
- The storage of all loose materials must be palletised or similar so they are off the ground whenever possible.
- 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 amphibians are not trapped during work.
- All excavations left open overnight or longer are to be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.

Should great crested newts be found by the ECoW, all works must stop and the ECoW is to contact Natural England.

Biodiversity Net Gain

No development hereby permitted shall commence until:

- a) a Biodiversity Gain Plan has been submitted to the planning authority demonstrating a 10% net gain,
- b) the planning authority has approved the plan in writing,
- c) the onsite habitat provision is accompanied by a Habitat Management and Monitoring Plan in place for 30 years as the gains here constitute 'Significant On-site Gains', this monitoring plan is to be accepted by the council and,
- d) 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.

5th February 2026

The County Ecologist accepts the Habitats Regulations Assessment submitted in January 2026 and has no further comments.

Public Representation



Cumberland Council

This application has been advertised by way of a site notice, and neighbour notification letters issued to 18 properties.

Three letters of objection have been received raising the following concerns:

- A building of this nature can only be for business use or have an other motive as there are no residential buildings at the location.
- More detail is needed in relation to the use of the proposed building.
- It will cause noise and light pollution.
- Access out of the land is limited and a blind corner. This is a major safety issue.
- Children use the access road as the only safe route out of their homes.
- A garage of this size will attract regular vehicular access will add to the safety issues and cause congestion due to poor access.
- The works and additional trees will block and limit daylight further to existing gardens.
- Can it be assured that the building to be removed is disposed of by a company that specialises with asbestos removal?
- It is known locally that the purchasers of the land have mentioned seeking permission for a couple of houses, so we also feel this is just a gateway for the next step.
- You may not get many comments or objections to this application as most of the nearby terrace properties on Poolside are empty. We are therefore speaking on behalf of those who are not present.

Public Reconsultation

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

Three letters of objection have been received raising the following concerns:

- Previous objections on the development are still highly valid and need to be acknowledged and considered.
- The land has always been a domestic garden but there are concerns about the level of noise that the new workshop will make.
- The workshop is only a few meters from the boundary of our property which will impact on quality of life, especially for night shift workers,
- There has been no response in relation to the use of the workshop.
- They have stated they wish to maintain work equipment but not stated working hours or days. This is a residential area, and they already disturb our quality of life when equipment is in use.

- The noise and lights effect our home life and can be heard and seen straight through our home.
- They have shown no respect for neighbours.
- There is still no safety measures for vehicle access for our children and ourselves accessing the communal path that leads to the road.
- The reference to a tractor is extremely concerning.
- The access onto the highway is not suitable and unsafe.
- They have not made it clear as to what trees or shrubs they are going to grow.
- They are now removing the building that what not stated previously, and no plan on how, or whom they are instructing to do this is attached. There is asbestos in both buildings again no clear plan as how this is going to be removed or who is going to control these safety measures.
- They have already renovated another building in the land and again no safety control measures in place when removing asbestos roof.
- We still feel that the end motive is to build 1 / 2 properties on the land and this is just a gateway.
- On Poolside there are not many people living there full time so I feel my voice has to cover anyone that could live there in the future.

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.

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-



Cumberland Council

2016.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

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

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework

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 key issues raised by this application relate to the principle of the development; scale, design impact of the development; impact on highway safety; flood risk and drainage; and impact on biodiversity and ecology.

Principle of the Development

Haverigg is identified in Strategic Policy DS1 of the Copeland Local Plan as one of the Local Centres, which have a supporting role to Copeland's towns containing a broad range of services. These settlements also operate independently from the main towns to meet day to day needs or as a well-connected cluster, linked to a neighbouring town or village of a similar

scale by a frequent public transport service and/or safe pedestrian routes a mile or less in length. It is stated that the focus for development in Local Centres will be to support the retention and small scale growth of existing services and businesses, with development focused on existing employment allocations, moderate housing allocations, and windfall and infill developments.

The settlement boundary for Haverigg is defined in Strategic Policy DS2. 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.

The application site is located within the defined settlement boundary for Haverigg. The site lies to the rear of a number of existing residential properties and adjacent to an area designated for allotments. The proposal to formalise the use of the land as a domestic garden is considered acceptable given the history of the site and the character of the surrounding uses.

The principle of development is therefore considered to comply with Policies DS1 and DS2 of the Copeland Local Plan.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance by: supporting proposals which enhance the value of Copeland's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment¹⁰⁸ from the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2d: Coastal Margin – Coastal Urban Fringe. The Key Characteristics of the land comprise: low lying flat land, urban influences linked to tourism development, derelict buildings and major transport routes, strong man-made landforms on coastal edges, mixed land cover of mown grass, pasture, scrub and semi natural grassland, and weak field patterns.

The Guidelines for development include: protect 'green' areas from sporadic and peripheral



Cumberland Council

development, encourage new development on brownfield and vacant sites to protect and enhance habitats, minimise the impact of new development by careful siting, design and high standards of landscape treatment particularly where public views are affected, and establish new woodland belts or thick hedgerows along the edges of developments to soften their impact, provide a backcloth, define limits of urban expansion and integrate isolated development.

The application site is located within the northwest of Haverigg, within a predominantly residential area. The proposed change of use will be located within the existing boundaries of the site and will not extend beyond the boundary of the adjacent allotment site or the garden spaces of the adjoining residential estate of Willowside Park. The development is therefore not considered to intrude into the open countryside. The proposed new building/workshop will replace two existing dilapidated buildings within the site and will therefore not significantly alter the character of the site.

Additional landscaping is proposed to comply with BNG requirements and will be secured via relevant conditions. The agent has confirmed that the existing boundary treatment will remain unaltered.

A condition is proposed to remove permitted development rights from the site to ensure inappropriate development is not introduced onto the site to retain the character of the land and surrounding area.

Based on the above the proposal is considered to comply with Policy N6 of the Copeland Local Plan.

Scale, Design, and Impact of Development

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 to formalise the use of the land as a domestic garden is considered acceptable given the context of the site and is not considered to have a detrimental impact on neighbouring properties.

Whilst the proposed building/workshop is large in scale, the development will replace two existing dilapidated buildings at the site and will not be out of context in design terms. The development will be located further away from neighbouring properties and the existing buildings and will not include openings facing towards the nearest neighbouring properties. The building has been sited and designed in order to limit the impact on existing residential amenity.

Whilst concerns have been raised with regard to the use of the building, the applicant has

provided clarification on the domestic nature of the use. To further protect residential amenity a condition is proposed to limit the use of the building to domestic purposes only. A condition will also be included to secure details of any external lighting to address concerns from residents.

Although concerns have been raised regarding noise from the development, no objections have been received to the application from the Council's Environmental Health Team subject to the inclusion of conditions to limit construction hours.

Concerns have also been raised by neighbouring properties regarding methods of demolition for the buildings currently sited on the land. Limited details have been provided in relation to this, therefore a demolition method statement will be secured by an appropriately worded planning condition.

On the basis of the proposed conditions, it is considered that the development would be in accordance with Policies DS4 of the Copeland Local Plan, and provisions of the NPPF.

Impact on 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.

Access to the site will remain as existing, with a new internal access road created.

Concerns have been raised by neighbouring properties regarding the suitability of the access and impact on highway safety. However, given the history of the site the development is not considered to significantly increase the vehicular use at the site. The Highway Authority have offered no objections as it is confirmed that the development will not have a material effect on existing highway conditions.

The proposal is therefore 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



**Cumberland
Council**

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.

A small section of the application site along the northeast and northwest boundary are located within Flood Zone 3, with the rest of the application site located within Flood Zone 1. The proposed comprises a less vulnerable use and is therefore a compatible use in Flood Zone 1.

The application is supported by a Flood Risk Assessment. This assessment confirms that the site benefits from the Haverigg Flood Defences alongside Haverigg Pool and that the development will not cause increased flood risk elsewhere. The assessment further states that there are no opportunities offered by the development to reduce the causes or impacts of flooding.

The application confirms that surface water from the development will be disposed of by water butts with excess discharging to soakaways subject to infiltration/percolation testing. As full details of the proposed surface water drainage have not been included within the application this detail will be secured by condition to ensure an adequate drainage scheme is secured.

The Environment Agency have offered no objections to the application. The LLFA have also offered no objections to the proposal as it is no considered to increase the flood risk on the site or elsewhere.

Based on the inclusion of the above condition, 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 Ecology and Biodiversity

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.

The application is supported by a Biodiversity Net Gain Assessment. This assessment concludes that the proposed development will result in the net loss of approximately 4m² of

urban vegetated garden (overall loss of 304m² under the new outbuilding and access road, and gain of 301m² after re-instatement of garden on existing hardstanding). The report confirms that the planting of 13 trees, and the additional 22m of hedgerow will provide 10.62% gain in habitat units and 12.81% gain in hedgerow units.

The Council's Ecology Team have offered no objections to the application however they have requested conditions to secure the approval of the relevant Gain Plan and a Habitat Management and Monitoring Plan for a 30 year period.

The application is also supported by a Preliminary Ecological Appraisal, which identifies protected and/or notable habitats and species which may be impacted by the proposed scheme, determines the likelihood of these impacts and suggests whether further surveys are required to quantify these impacts or proposes mitigation to compensate for these impacts. The appraisal confirms that there are no breeding ponds on site, and no suitable breeding ponds for natterjack toads within 500m. Therefore, the feature of ecological interest or concern which could be affected by the proposed works are:

- Foraging and dispersal habitat for widespread amphibian species (with a very low risk of natterjack toad).
- Nesting birds in hedges, scrub, trees and outbuildings
- Terrestrial mammals (notably hedgehog)
- Statutory protected sites (within 200m).

The appraisal however confirms that no further ecological surveys are required, provided that works proceed adhering to the avoidance and mitigation measures detailed below. These measures will be secured by an appropriately worded planning condition.

Following a request from the Council's Ecology Team a Shadow HRA has been submitted to support this application. This assessment concludes:

- The habitats on site are not of any particular conservation interest, and are highly unlikely to support any of the breeding birds listed in the citation for Morecambe Bay & Duddon Estuary SPA.
- The site is not especially suitable for feeding birds or aggregations of resting wildfowl and waterbirds (including those listed in the SPA).
- The site has no recent records of great crested newt (a listed feature of the SAC), and has no amphibian breeding habitat - so no impacts on this species are likely.
- The construction and operations phase of this proposed development are highly unlikely to have any impacts on the adjacent SAC habitats or species, or on any of the waterbirds listed on the SPA designation.
- There will also be no current or residual impacts on the ability of the adjacent habitat in the protected sites to host breeding and non-breeding birds as a direct or indirect



Cumberland Council

result of this development.

- As the proposed development is not likely to have any direct or indirect impacts on either Morecambe Bay SAC or Morecambe Bay and Duddon Estuary SPA, no avoidance or mitigation measures are required.

The Council's Ecologist has accepted the sHRA as submitted. Natural England have also offered no objections to the application as it is considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Based on the responses from consultees and as the sHRA confirms that the development is unlikely to impact on habitats or protected sites, an appropriate assessment is not required in this instance.

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.

Planning Balance and Conclusions

The application site is located within the defined settlement boundary for Haverigg, which is identified within the Copeland Local Plan as a Local Centre.

The proposal to formalise the use of the land as a domestic garden is considered acceptable given the history of the site and the character of the surrounding uses.

The proposal change of use and replacement building/workshop is not considered to significantly alter the character of the site. The scale and design of the proposal is considered to be acceptable and will not have a detrimental impact on residential amenity subject to conditions. The use of the site will be limited to domestic use as outlined within the application and permitted development rights will be removed in order to control further development of the site.

No objections have been received from the Highway Authority.

Conditions will be utilised to secure a surface water drainage scheme and to secure BNG and ecology mitigation at the site.

On balance, the proposal is 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.

8. **Recommendation:**

Approve (commence within 3 years)

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 26th November 2025.
 - Location/Block Plan, Scale 1:500 & 1:1250, Drawing Reference: 25-43-P-L, Revision: -, received by the Local Planning Authority on the 26th November 2025.
 - Proposed Site Plan (Amended), Scale 1:250, Drawing Reference: 25-43-P-01, Revision: B, received by the Local Planning Authority on the 3rd February 2026.
 - Plans as Proposed, Scale 1:100, Drawing Reference: 25-43-P-03, received by the Local Planning Authority on the 26th November 2025.
 - Elevations & 3D's As Proposed, Scale 1:100, Drawing Reference: 25-43-P-04, Revision: -, received by the Local Planning Authority on the 26th November 2025.
 - Flood Map for Planning, received by the Local Planning Authority on the 26th November 2025.
 - Flood Risk Assessment, Prepared by Rubicon Project Consultancy Ltd November 2025, received by the Local Planning Authority on the 26th November 2025.
 - Design & Access Statement (Amended), Prepared by Fox-AD, Revision A, received by the Local Planning Authority on the 15th January 2026.
 - Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Prepared by South Lakes Ecology November 2025, received by the Local Planning Authority



Cumberland Council

on the 26th November 2025.

- BNG Small Site Metric, received by the Local Planning Authority on the 26th November 2025.
- Statement to inform a Habitats Regulations Assessment (Shadow HRA), Prepared by South Lakes Ecology January 2026, Report: 0126/1, received by the Local Planning Authority on the 7th January 2026.

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.

Ecology & Biodiversity

3. The development hereby approved must be carried out in accordance with and implement all the avoidance and mitigation measures set out in the following approved documents:

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Prepared by South Lakes Ecology November 2025, received by the Local Planning Authority on the 26th November 2025.

The development must be carried out in accordance with the approved document at all times thereafter.

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.

4. Prior to the commencement of development a Habitat Management and Monitoring Plan must be submitted to and approved in writing by the Local Planning Authority.

The Habitat Management and Monitoring Plan must 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 30 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.

- 5. The development hereby approved must not be occupied/used until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 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.

- 6. 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 4, a completion report, evidencing the completed habitat creation and habitat enhancements must 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.

- 7. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 must be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 4 for a minimum period of 30 years



Cumberland Council

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.

8. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 4 is delivering on its site-wide aims and objectives and habitat condition targets.

Monitoring reports must be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 4 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 4.

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.

Pre Commencement Conditions:

9. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

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 Policy DS6 and DS7 of the Copeland Local Plan.

10. Prior to commencement of works at the site a demolition method statement must be

submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In order to secure a suitable method of demolition in accordance with Policy DS4 of the Copeland Local Plan.

Prior to Installation Conditions:

11. Prior to the first installation within the development hereby approved, details of any external lighting must be submitted to and approved in writing by the Local Planning Authority.

Artificial external lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for environmental zone E3 contained within The Institute of Light Engineers Guidance Note GN01/21 (dated 2021) for The Reduction of Obtrusive Light.

The proposed external lighting must be installed and maintained in accordance with the approved details at all times thereafter.

Reason

In order to safeguard the amenities of nearby residential occupiers in accordance with Policy DS4 of the Copeland Local Plan.

Other Conditions:

12. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk Assessment, prepared by Rubicon Project Consultancy Ltd November 2025, received by the Local Planning Authority on the 26th November 2025', and must be maintained as such at all times thereafter.

Reason

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



Cumberland Council

of flooding and pollution in accordance with Policy DS6 and DS7 of the Copeland Local Plan.

13. 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 detached buildings, enclosures, domestic fuel containers, pool or hardstandings must be constructed within this land other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity in accordance with DS4 and N6 of the Copeland Local Plan.

14. The site and the proposed building/workshop hereby approved shall be used for the domestic purposes only as outlined in the approved document 'Design & Access Statement (Amended), Prepared by Fox-AD, Revision A, received by the Local Planning Authority on the 15th January 2026', and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area to safeguard amenity in accordance with Policy DS4 of the Copeland Local Plan.

15. Following approval of the development, demolition and 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 and
- Saturday 08.00 – 13.00

There shall be no demolition or construction activities at any time on Sunday or Bank Holiday.

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 DS4 of the Copeland Local Plan.

Informative Note:

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.



**Cumberland
Council**

Case Officer: C. Burns	Date : 16.03.2026
Authorising Officer: N.J. Hayhurst	Date : 16.03.2026
Dedicated responses to:- N/A	