

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2012/0F1
2.	Proposed Development:	ERECTION OF PIGEON LOFT (RETROSPECTIVE)
3.	Location:	EAST OF EHEN, LITTLE MILL, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location This application relates to East of Ehen, a detached property located within the Little Mill area of Egremont. The property is accessed via a shared access which serves a small cluster of residential dwellings off Cringlethwaite. The host property benefits from a front garden with driveway area, and a modest size, tiered/split level rear garden. The site is bound to the North, East and West by neighbouring residential properties, and allotment gardens to the South. Proposal Retrospective Planning Permission is sought for the retention of a large outbuilding located on the top tier of the rear garden, which is used to house approx. 250 pigeons. The structure is 15m in length, by 2.44m in width. It has been designed with a dual pitch roof with an eaves height of 2.14m and an overall height of 3m. The application also seeks permission to extend the loft by the erection of a decking structure	

of 15m in length x 1.2m in width onto the front elevation of the existing structure.

Relevant Planning History

4/98/0481/0 3 BEDROOMED HOUSE AND GARAGE – Approve

4/16/2166/0E1 LAWFUL DEVELOPMENT CERTIFICATE FOR A SINGLE STOREY SIDE EXTENSION – Approve

Consultation Responses

Egremont Town Council

First Response

No objections.

Second Response

After initially submitting a no objections comments to this application, the additional/amended information has highlighted a concern that this loft has the potential to affect the local residential amenity & public health. We have also received a copy of a complaint from a neighbour who we believe has sent the same complaints to the planning dept.

Councillors would therefore request that Cumberland review this application again to ensure that they are satisfied that all the potential concerns are covered and will continue to be going forward.

Environmental Health

First Response - Although this is a small scale proposed development, it does have the potential to affect local residential amenity and public health.

Environmental Health have, therefore, considered the following relevant factors within its remit:

- Avian Flu – Outbreaks of highly pathogenic avian influenza (H5N1) are still occurring in the UK. The [DEFRA latest advice \(England\)](#) outlines the current situation.

England remains within an Avian Influenza Prevention Zone and, by law, strict biosecurity and hygiene rules must be followed. Racing Pigeons can be affected by avian influenza but appear to show resistance and there is no confirmed evidence that racing pigeons have become ill in England. They may even be considered as a 'dead end host' and appear not to significantly spread the virus. Nevertheless, anyone keeping more than 50 birds must house them and follow advice.

A bird keeper should also register with the UK Animal and Plant Health Agency.

- Dust - It is possible that the avian flu virus can spread through large build-ups of



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droppings and wind-blown dust (and its odour) may also affect nearby residential amenity. Good hygiene management is required.

- Pests - Pigeon lofts can be an attraction for vermin, rats in particular. It is important that good loft hygiene is followed to prevent rat infestations.
- Odour - To a large degree, the problems of odour (ammonia) associated with pigeon lofts can be negated / managed by good loft design (incorporating ventilation, sufficient room for the birds, a dry loft environment that is free of condensation and security from predators) and good hygiene management. There is good advice available on this from the various racing pigeon representative bodies.
- Noise - The proposed location of the loft appears to be far enough away from other dwellings that noise should not be a problem. The dominant day time noise is from background road traffic on the nearby A595 trunk road.

In conclusion, therefore, Environmental Health have not received any complaints about this pigeon loft and would not object to this development though recognises that measures need to be taken by the applicant to ensure good biosecurity and hygiene measures are put in place and are followed. We would request that the following conditions are applied to any approval that may be granted:

- Dust Management Plan

No use commenced until there has been submitted to and approved in writing by the Local Planning Authority, a Dust Management Plan setting out cleaning, maintenance and disposal procedures. The approved dust management plan shall be complied with throughout the duration of the use.

Reason: To safeguard the amenity of nearby premises and biosecurity against avian influenza.

- Vermin Management Plan

No use commenced until there has been submitted to and approved in writing by the Local Planning Authority, a Vermin Management Plan setting out feed storage and handling, waste management, loft design and maintenance, water management, outdoor environment and housekeeping, monitoring and inspection, and vermin control measures (if vermin is detected). The approved vermin management plan shall be complied with throughout the duration of the use.

Reason: To safeguard the amenity of nearby premises and the area generally.

- Odour Management Plan

No use commenced until there has been submitted to and approved in writing by the Local Planning Authority, an Odour Management Plan setting out potential odour sources, control measures, cleaning and hygiene, waste management and carcass disposal measures.

The approved odour management plan shall be complied with throughout the duration of the use.

Reason: To safeguard the amenity of nearby premises and the area generally.

- Advice
 1. DEFRA advice and rules on avian influenza is followed at all times.
 2. The flock is registered with the Animal and Plant Health Agency.
 3. Further advice / assistance on the requested management plans can be obtained from the Environmental Health team.

Second Response

Further to the above retrospective planning application and the additional information – management plans and neighbour objections – has been noted and considered fully.

Following visits to neighbouring dwellings, the scale of the pigeon loft becomes clearer; its span is as large as the nearest dwellings. The loft has been built very close to neighbouring gardens, almost on the boundaries. The loft houses several hundred birds and will require considerable effort to manage properly. Whilst the management plans are satisfactory and provide a template for the upkeep of the birds and loft, the scale of the development is too intense for the residential setting.

As a result, residential amenity is likely to be affected, with odour problems particularly.

The placement of the loft has already caused upset and distress to neighbours and would continue to do so if the application were to be approved. With hindsight, a pigeon loft of this size is better suited to an allotment site.

Environmental Health are therefore not in favour of permitting this application at this location.

Public Representations

The Application has been advertised by way of a site notice and neighbour notification letter issued to 2 properties. 5 objections from 2 properties have been received which are summarised below:

- Object to the sheer size and scale of this Pigeon Loft. Too close to both boundaries and dominates our outlook.
- Potential to cause increase in vermin. Unpleasant odour, dust, mess over properties, cars, land and solar panels when birds land. Pigeon waste stored in open bags. The number of birds is currently 250 which will create a vast amount of waste. Waste disposal of pigeon excrement.
- The noise of the birds flapping and cooing is quite loud. Also, the scraping noise of cleaning the waste of the ground is disturbing. It is disturbing the peace and quiet, and the sound is distressing when that is all we can hear.



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- The Pigeon Loft is visible from the road it has become quite a talking point.
- Applicant told us the pigeons would not fly. However, in his application he states the Loft is very convenient for him 24 hours a day and to be able to fly his pigeons. We are objecting to the birds flying, it was always referred to as a breeding loft with no flying involved.
- The building has impeded our view which used to be pleasant, trees and greenery.
- Works carried out in June 2025 before an application was submitted - 9 months of unauthorised use of the loft, increasing the bird population to 250 birds. We were initially informed of 50 birds and told they will not be flying.
- Management plans are literally to appease the Environmental Health Department and are a standard response from the Pigeon Authority Website and will not be adhered to at all times as this loft has been in operation for 9 months and waste has been left in open bags to the side of the building. There is nothing in the Management plan to cover holidays and illness.
- Concern that this will impact the value of our property if we decide to sell.
- The loft needs to be elevated i.e. on scaffold base which is directly into soil the scaffold base should have been mounted on raft foundation due to mine workings and ground movement, all of the surrounding properties are on a raft base.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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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 DS2: Settlement boundaries

DS4: Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

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

Principle of Development

The application relates to an existing residential dwelling located within the settlement boundary of Egremont. Policy H14 of the Copeland Local Plan supports domestic extensions and alterations to residential properties subject to detailed criteria, which are considered below.

The principle of erecting an outbuilding within a residential garden is acceptable in principle within the context of Policy H14 of the Copeland Local Plan.

Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

Section 12 of the NPPF states that developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place. Developments should be visually attractive as a result of good



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architecture, layout and appropriate and effective landscaping.

The application site lies within a predominantly residential area within the settlement boundary of Egremont, which is defined within the Copeland Local Plan as a Key Service Centre. The dwelling is located down a shared access off Cringlethwaite within the Little Mill area.

The application seeks retrospective planning permission for the retention of a large outbuilding which has been erected on the top tier of the sloped rear garden of the property known as East of Ehen, which is used by the applicant as a pigeon loft. The structure is 15m in length, by 2.44m in width. It has been designed with a dual pitch roof with an eaves height of 2.14m and an overall height of 3m. It has been constructed in a manner so that it is slightly elevated from the already raised ground level.

The structure is located on the highest tier of the host properties rear garden directly adjacent to the boundaries of the domestic curtilages of the two neighbouring properties. The site layout plan submitted indicates that the structure is located approx. 1.4m from the boundary with 'The Halt', and 2.2m from the boundary with 'The Hatchery'. Due to the pigeon lofts overall size, particularly its substantial length and proximity to the neighbouring property boundaries, the scale is considered excessive for the site. In addition, due to its location in an elevated position in relation to the host property and the adjacent properties, this further accentuates its prominence within the locality and exerts a harmful visual impact on the area.

The application also seeks permission to extend the scale of the pigeon loft even further by way of erecting a decking platform of 15m in length x 1.2m in width onto the front elevation of the existing structure. It is considered that the overall scale and massing of the existing structure is already considered unacceptable and the addition of a decking platform would exacerbate this further. The application also fails to provide any justification for the addition of the decking in relation to the use of the structure as a pigeon loft.

Whilst outbuildings and the keeping of animals can be considered ancillary and therefore acceptable in residential areas, the pigeon loft that this application seeks to retain is used to house approx. 250 racing pigeons. Whilst this is understood that the applicant has kept pigeons as a hobby since 1973, the number of birds that are currently kept in the structure is considered disproportionate to a domestic garden location and is more akin to a commercial operation. Whilst the applicant has advised that the pigeons are kept for the purposes of his hobby only, some sales and purchases of birds between other fanciers have been undertaken and he claims that such activity is incidental to this past time.

Overall, the scale and massing of the structure are considered to be excessive in the context of a residential garden setting which is not subordinate to the host property. Due to its siting, design and appearance, alongside the nature of the use, the development results in an incongruous form of development that adversely alters the character and appearance of the existing dwelling and immediate residential area.

This conflicts with Policies DS4 and H14 of the Copeland Local Plan 2021 - 2039 and the

guidance in the NPPF.

Impacts on Residential Amenity

Policy DS4 of the Copeland Local Plan seeks to create high quality developments which respond positively to the health and well-being of residents.

Policy H14 states that the development should not harm the amenity of the occupiers of the parent property or adjacent dwellings.

Section 12 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place.

Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The use associated with the structure has raised significant concerns regarding impacts on residential amenity. 5 letters of objection from 2 properties have been received in response to the application which queries the size of the structure and number of birds, the increase in vermin, unpleasant odour, dust, excrement and noise as a result of housing and flying a large number of pigeons within this residential area.

As part of the application, Environmental Health requested that the applicant submit 3 management plans which detail how dust, vermin and odour will be managed as a result of the development. Whilst Environmental Health have agreed that the management plans are satisfactory on paper and provide a template for the upkeep of the birds and loft, they have also advised that the scale of the development is considered too intense for the residential setting, and as a result, residential amenity is likely to be affected due to the potential for nuisance arising from issues such as smell, vermin and accumulation of pigeon waste as a result of the intensity of such a use associated with the structure and the nature of its use. It is considered that these issues, particularly the number of birds that are kept at any one time within the structure, would be difficult to mitigate through the imposition of planning conditions.

Furthermore, the application is accompanied with a supporting statement which provides justification for the location of the structure being within a residential dwellings garden as opposed to an alternative site. Justification provided by the applicant includes control and security, convenience and management and veterinary inspections.

The supporting statement also confirms that the applicant has constant access to the pigeon loft to allow him to tend to the birds at any time of day or night. It is considered that this intensifies the level of activity which already goes beyond what you would reasonably expect for a use incidental to the main dwelling.

Notwithstanding the supporting statement submitted with the application, it is considered that the justification only sets out the benefits of the structure to the applicant. It is considered that the structure at its current scale would be more suitably located elsewhere, for example on an



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allotment site.

As a result, it is considered that the applicant's statement only reinforces the concerns raised that the use of the pigeon loft would harm the amenity of the occupiers of the adjacent neighbouring properties, as its use and associated concerns cannot be appropriately managed by Planning conditions. The justification that has been provided by the applicant is therefore not considered to outweigh the harm to the amenity and character of the area.

On this basis, the proposal has a significant detrimental impact on visual and residential amenity and character of the wider area and therefore does not comply with policies DS4, H14 and the guidance in the NPPF.

Ecology and Biodiversity

Policy N1 outlines how the Council will protect and enhance the biodiversity and geodiversity within the Borough 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. In this instance the development is considered exempt from BNG as the development falls within the definition of a householder application.

On this basis, 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.

Planning Balance and Conclusion

Section 12 of the National Planning Policy Framework and the National Design Guide clearly sets out that one of the key principles of the planning system is to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings. This aim is reflected in the Copeland Local Plan, particularly within policies DS4 and H14.

Policies DS4 and H14 set out the criteria on which this proposal has been assessed.

The overall scale and massing of the structure is considered to be excessive for a residential garden location and would fail to relate in a coherent manner to its surroundings.

The NPPF and the National Design Guide place significant emphasis on high quality designs

	and therefore carry significant weight in the planning balance. Given the scale and siting of the structure, it is considered to produce an incongruous form of development that has a detrimental impact on the character and appearance of the detached property and the visual amenity of the immediate vicinity which is contrary to the above design priorities. The use as a pigeon loft is on a significant scale that goes beyond what would normally be expected in a residential garden. The nature and intensity of the use is likely to result in adverse impacts on the amenity of the adjoining residential properties in terms of nuisance arising from issues such as smell, vermin and accumulation of pigeon waste. The justification submitted in support of the application does not provide any mitigation or controls that could be imposed by use of planning conditions to lessen its impact to an acceptable level. On balance, the proposal is considered to be an inappropriate form of development that would have an adverse effect on both residential amenity and visual amenity which is in conflict with Policies DS4 and H14 of the adopted Local Plan. It is considered that the benefits of the development relate solely to the applicant and do not outweigh the adverse harm identified to both the character and appearance of the existing dwelling and the residential amenity of the area. The application is therefore recommended for refusal.
8.	Recommendation: Refuse
9.	Reasons for Refusal: 1. The structure due to its siting, scale, design and appearance would result in an incongruous form of development within the locality. The building occupies an elevated location which accentuates its prominence and as a result it would have a significant detrimental impact on the character and appearance of both the existing property and the visual and residential amenity of the wider area. This would therefore be in conflict with policies DS4 and H14 of the Copeland Local Plan and guidance set out in section 12 of the NPPF 2. The use of the structure as a pigeon shed, due to its siting, scale and the intensity of its operation does not maintain high levels of residential amenity, particularly for the occupiers of the adjacent neighbouring properties. This would therefore conflict with Policy DS4 of the Copeland Local Plan and the guidance set out in section 12

of the NPPF.

Informative Notes

Biodiversity Net Gain – Exemption Applies

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/are considered to apply.

Applicable exemption: Householder development.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the proposal and discussed those with the applicant, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and, due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Case Officer: Demi Crawford	Date : 02/07/2026
Authorising Officer: N.J. Hayhurst	Date : 03/07/2026
Dedicated responses to:- N/A	