

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2014/0F1	
2.	Proposed Development:	DETACHED FOUR BEDROOMED SELF BUILD DWELLING (RE-SUBMISSION OF APPROVED APPLICATION 4/23/2014/0F1)	
3.	Location:	REAR GARDEN OF 55 GOSFORTH ROAD, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
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 an area of land to the rear of 55 Gosforth Road, a semi detached property, which fronts onto the main road through Seascale. The area of land currently functions as the rear garden of this property.</p> <p>The application site fronts onto Whole House Road, from which there is also an existing</p>	

vehicular access.

Relevant Planning History

4/92/0071/0 – Garage – Approved

4/08/0448/0- Erection of single detached four bed roomed dwelling with integral garage – Approved

4/08/2482/0 – Retrospective application for erection of boundary fence and amendment to include new vehicular access and changes to existing garage – Approved

4/09/2509/0 – Replacement of existing single storey extension with side and front extensions to provide new entrance porch and extended living accommodation – Approved

4/10/2509/0F1 – Erection of detached 2 storey four bed roomed dwelling (revised scheme) – Approved

4/13/2512/0F1 – Detached four bed roomed dwelling (resubmission) – Approved

4/16/2437/0F1 – Detached four bed roomed dwelling (renewal of planning permission 4/13/2512/0F1) – Approved

4/20/2012/0F1 – Detached four bed roomed dwelling (resubmission) – Approved

4/23/2014/0F1 – Detached four bed dwelling (renewal of planning permission 4/20/2012/0F1) – Approved

Proposal

This application seeks planning permission for the erection of a detached four bed roomed dwelling. Planning permission has historically been granted on this site for the erection of a single dwelling, with the latest permission granted (ref: 4/23/2014/0F1) in March 2024. This application is a resubmission of this proposal, which will lapse on the 14th March 2026. The submitted details are unchanged from the previous approval.

Permission is sought for the erection of a two storey detached property, which measures 9.3m x 9.7m with an eaves height of 4.85m and an overall height of 7.6m. The front door will be set back within a recess of 0.8m. The proposed dwelling will be orientated to face onto Whole House Road and will be set back into the site from the existing footway by 6.5 metres to allow for two on-site parking spaces. A rear conservatory is also proposed as part of this development, which will measure 3.5m x 3.5m, with an eaves height of 2.2m and an overall height of 2.9m.

The ground floor of the proposed dwelling will incorporate a lounge, toilet, utility, living room, kitchen/dining room, and a conservatory. It is proposed that the first floor of the dwelling will incorporate a master bedroom with an ensuite bathroom, two double bedrooms, a single



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bedroom, and a bathroom.

Externally the proposed dwelling will be finished with painted render, grey slate tiles, and painted timber or UPVC windows. The site will be bounded to the north west by the existing hedgerow, and to the north east and south east by a 1.8m close boarded fence.

Consultation Responses

Seascale Parish Council

No comments received.

Cumberland Council - Cumbria Highways & Lead Local Flood Authority

The response made to the previous applications 4/20/2012/0F1 and 4/23/2014/0F1 should still apply.

I attached our previous response hereto.

I refer to the above consultation and would inform you there are no objections subject to the inclusion of conditions relating to access gates, surface water drainage measures to prevent surface water discharging onto/off the highway and surfacing of the access drive.

United Utilities

United Utilities has no further comment on this application.

Cumberland Council & Westmorland and Furness Council – Joint Emergency Management and Resilience Team

No objections to the proposed works.

However, it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Cumberland Council – Ecology Team

The County Ecologist accepts that this development is exempt from the Biodiversity Gain Condition and has no further comments.

Office for Nuclear Regulation

I have consulted with the emergency planners within Westmorland and Furness Council which is responsible for the preparation of the Sellafield Site off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) 2019. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to four properties. No comments have been received in relation to the statutory notification procedure.

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.

Copeland Local Plan 2021 - 2039 (LP):

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

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 2001-2016.

Strategic Policy DS1: Settlement Hierarchy



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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

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Policy H11: Community-led, Self-build and custom build housing

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N10: Green Wedges

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

The key issues raised by this application relate to the principle of the development; housing need; settlement character, landscape and visual impact; scale, design, and impact of the development; access, parking, and highway safety; drainage and flood risk; and impact on biodiversity and ecology.

Principle of Development

Seascale 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 Seascale is defined under 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 Seascale.

The previous planning approvals at this site have established the principle for developing the site for a single residential dwelling. On this basis, the proposal is considered to comply with Policies DS1 and DS2 of the Copeland Local Plan and provisions of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhanced 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



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Park Landscape Character Assessment 108 from the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The application site relates to part of an existing site which has historically held planning permission for the erection of a single dwelling, sited within an existing residential area, directly adjacent to a number of existing residential properties. As the development is surrounded by existing development the proposal is not considered to have an impact on the overall landscape. As the site is an infill plot the development it is complementary to the existing built form of this part of the settlement.

The proposed development is considered to respect the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with Policy N6 of the Copeland Local Plan and the provisions of the NPPF.

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 proposed dwelling reflects the previously approved schemes at this site with no alterations proposed. The proposal will therefore continue to reinforce the existing frontage pattern along Whole House Road and will not have a detrimental impact on residential amenity.

Given the location of the proposed dwelling, the development is not considered to impact on the adjacent property, 55 Gosforth Road, as the dwelling is to be built adjacent to an existing large flat roofed garage within the side/rear garden, which ensures the development is located away from this property. The proposed dwelling will also not include any windows within its gable elevation and will be screened by additional boundary treatment which will be secured by an appropriately worded planning condition to mitigate any overlooking issues for the neighbouring dwellings. Adequate separation distances are also retained as part of the development limiting the impacts of the development.

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.

Access, Parking and 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.

The site will be accessed as per the previous approvals from the existing access and dropped kerb from Whole House Road. Cumbria Highways have offered no objections to the application subject to the inclusion of conditions relating to access gates, surface water discharging onto/off the highway, and surfacing of the access drive.

Based on the inclusion of these requested conditions, it is considered that the development would be in accordance with Policies CO4 and CO7 of the Copeland Local Plan, and provisions of the NPPF.

Drainage and Flood Risk

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk 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.

The application site is located within Flood Zone 1, therefore a Flood Risk Assessment has not been submitted to support this application.

It is proposed that surface and foul water will be disposed of by the mains sewer. As limited details have been provided in relation to the proposed surface water drainage for this site, and the current proposal does not follow the drainage hierarchy, a condition is proposed to secure full details of the surface water scheme to serve the dwelling. This reflects comments from UU, who although have offered no objections have stated the drainage hierarchy should be fully investigated.

The LLFA have also offered no objections but have requested a condition to secure details of the proposed surface water drainage system and a maintenance schedule for the development.

Based on the inclusion of these conditions, it is considered that the development would be in



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accordance with the Policies DS6 and DS7 of the Copeland Local Plan and 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. Some developments are however except 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 application falls within the definition of a self-build property, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.

Conditions will therefore be included on the decision notice for this application to ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act.

The application site is identified as a potential area for natterjack toads. The application is not supported by any ecology details as the site is not located within 200m of a watercourse (as indicated within the ALGE trigger list) and is located within the centre of a built-up residential area. On this basis 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. Furthermore, the development will be located upon the footprint of an existing extension therefore will not disturb any habitats.

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 & Conclusions

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

The previous planning approvals at this site establish the principle for developing the site for a single residential dwelling.

Given the proposed dwelling reflects the previously approved schemes with no alterations

	<p>proposed the development is not considered to have a detrimental impact on the character of the area or residential amenity, subject to the inclusion of conditions to secure boundary treatments at the site.</p> <p>The access also remains as previously approved. No objections have been received from the Highway Authority subject to conditions.</p> <p>Conditions will also be utilised to secure details of drainage and BNG requirements.</p> <p>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.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none"> 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:- <ul style="list-style-type: none"> - Application Form, received by the Local Planning Authority on the 19th January 2026. - Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 19th January 2026. - Site Layout, Scale 1:100, Drawing No 10100-01, Edition: -, received by the Local Planning Authority on the 19th January 2026. - Plans, Elevations and Block Plan (Amended), Scale 1:100 & 1:500, Drawing No 260101-02, Edition -, received by the Local Planning Authority on the 10th March 2026. - Design and Access Statement, received by the Local Planning Authority on the 19th January 2026. - Biodiversity Net Gain (BNG) Exemption Statement, received by the Local Planning Authority on the 19th January 2026.



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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.

Pre Commencement Conditions:

3. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule 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 the Policies DS6 and DS7 of the Copeland Local Plan.

4. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway 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 operational thereafter.

Reason

In the interests of highway safety and environmental management in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

BNG Conditions:

5. The dwelling hereby approved must be constructed as a self-build and custom housebuilding dwelling within the definitions of self-build and custom housebuilding as contained in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The first occupation of the dwelling hereby permitted must be as the sole or main residence of a person or persons who had primary input into the design and layout of the dwelling.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with National Policy.

6. At least two months prior to the first occupation of the dwelling hereby approved, details of the person or persons who are to be the first occupants of the dwelling and confirmation that the dwelling is to comprise their sole or main residence shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with National Policy.

Prior to Occupation/First Use Conditions:

7. Prior to the first occupation of the dwelling hereby approved the boundary treatment must be installed in line with the approved plan 'Plans, Elevations and Block Plan (Amended), Scale 1:100 & 1:500, Drawing No 260101-02, Edition -, received by the Local Planning Authority on the 10th March 2026'. All boundary treatment must be retained in accordance with this approved plan at all times thereafter.

Reason

In the interest of residential amenity in accordance with Policy DS4 of the Copeland Local Plan.

8. The access drive must be surfaced in bituminous or cement bound materials or otherwise bound and must be constructed and completed before the development is occupied/brought into use.

Reason



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In the interests of highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

Other Conditions:

9. Access gates, if provided, must be hung to open inwards only away from the highway.

Reason

In the interests of highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

Informative Notes:

1. The LLFA surface water map show flooding close to the site and indicate 1 in 30 chance of occurring each year. If the application is approved the applicant must not commence works, or allow any person to perform works, on any part of the highway until in receipt of an appropriate permit allowing such works. They will need to contact Streetworks Central streetworks.central@cumbria.gov.uk for the appropriate permit.
2. The Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.
3. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafeld site.
4. 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 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 – The development comprises a self-build dwelling.

Development which:

consists of no more than 9 dwellings, and is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

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.

Case Officer: C. Burns

Date : 11.03.2026

Authorising Officer: N.J. Hayhurst

Date : 16.03.2026

Dedicated responses to:- N/A