



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2020/0F1
2.	Proposed Development:	PROPOSED GROUND SUPPORTED DOMESTIC SOLAR ARRAY
3.	Location:	DENT VIEW HOUSE, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report.
7.	Report:	<p>SITE AND LOCATION</p> <p>This application relates to a detached property known as Dent View House.</p> <p>The dwelling is situated to the North of the property Belvedere, located in the Wath Brow are of Cleator. The site is bound by existing dwellings to the south and east and situated to the west of the Lake District National Park boundary. The site is accessible from the Cleator Moor to Ennerdale Bridge highway.</p> <p>The site benefits from a large curtilage, with a wall separating the domestic curtilage from the land associated with it, with a post and rail fence marking the full extent of the boundary/dwelling's curtilage.</p> <p>PROPOSAL</p> <p>Planning Permission is sought for the installation of 30 stand-alone ground-mounted solar PV panels, supported on a proprietary mounting system, with associated underground cabling connecting the array to the dwelling.</p> <p>The panels are proposed to be set up in rows in a 6x5 configuration.</p>

The solar array is to be located to the west of the dwelling, positioned behind the existing stone garden wall, and outside of the domestic curtilage associated with the property.

Each panel will be 1.757m x 1.134m in size with a 0.3m depth. They will be supported by metal frames extending to a maximum height of 1.092m from ground level. The panels will slope to a height of 0.150m at their lowest point.

The panels are intended solely to provide on-site renewable electricity for the existing dwelling. No change of use, subdivision of land, new buildings, or commercial energy generation is proposed.

RELEVANT PLANNING HISTORY

4/21/2202/001 OUTLINE (WITH ALL MATTERS RESERVED) FOR A SINGLE RESIDENTIAL DWELLING – Approve

4/22/2078/0F1 ERECTION OF DETACHED DWELLING WITH DETACHED GARAGE – Approve

4/23/2045/0F1 ERECTION OF DETACHED DWELLING TOGETHER WITH DETACHED GARAGE (REVISION OF APPROVED APPLICATION 4/22/2078/0F1) – Approve

CONSULTATION RESPONSES

Cleator Moor Town Council

No Objections.

Cumberland Council Ecologist

The County Ecologist accepts that this application is exempt from the Biodiversity Gain Condition.

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 small mammals and should adopt the following precautionary method of works:

- All work must take place during daylight hours.



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- 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.
- All excavations left open overnight or longer should 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.
- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

Public Representations

This application has been advertised by way of a site notice and neighbour notification letters issued to 4 no. properties.

1 letter of support has been received in response to this consultation.

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.

The following policies are relevant to this proposal:

Strategic Policy DS2 – Settlement Boundaries

Strategic Policy DS3 – Planning Obligations

Policy DS4 – Design and Development Standards

Strategic Policy R4 – They Key Service Centres

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3 – Biodiversity Net Gain

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Conservation of Habitats and Species Regulations 2017 (CHSR)

The Wildlife and Countryside Act 1981

ASSESSMENT

The key issues raised by this proposal are the principle of development, scale, design and potential impact on the area, Impact on the Public Right of Way, Landscape, and biodiversity net gain.

Principle of Development

Strategic Policies DS1 and DS2 of Copeland Local Plan seek to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. Cleator Moor is identified as a key service centre within the settlement hierarchy, which provides a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. The focus is for town centre developments, employment development and medium scale housing extensions, windfall and infill development.

The site is located just outside of the settlement boundary of Cleator Moor, however Strategic Policy DS2 states that development outside of the settlement boundaries will be accepted if the proposal is for a renewable energy proposal or essential infrastructure to support energy developments and other infrastructure. A design and access statement provides clarification that the panels are intended solely to provide on-site renewable electricity for the existing dwelling. No change of use, subdivision of land, new buildings, or commercial energy generation is proposed.

Strategic Policy DS3 sets out contributions for the enhancement of existing, or the provision of new infrastructure. Low Carbon Energy and Renewable Energy Infrastructure is included within this policy.

On the basis of the above, the principle of development is considered to be acceptable.



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Scale, Design and Impact on the Area

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 includes the installation of 30 stand-alone ground-mounted solar PV panels, supported on a proprietary mounting system, with associated underground cabling connecting the array to the dwelling known as Dent View House.

The panels will be located to the west of the dwelling, positioned behind the existing stone garden wall, and outside of the property's domestic curtilage, and are to be set up in a 6x5 configuration. Whilst the panels are outside of the domestic curtilage, they are still within the applicant's ownership. The siting behind existing boundary walls ensures limited visibility from neighbouring properties and public vantage points and the proposed panels are intended solely to provide on-site renewable electricity for the existing dwelling. No change of use, subdivision of land, new buildings, or commercial energy generation is proposed.

Each panel will be 1.757m x 1.134m in size with a 0.3m depth. They will be supported by metal frames extending to a maximum height of 1.092m from ground level. The panels will slope to a height of 0.150m at their lowest point.

The layout of the panels has been purposely orientated to maximise solar gain, with a fixed tilt angle of approximately 30–35 degrees. The overall height of installation has been kept deliberately low, with the highest point of the panel array remaining subordinate to existing garden boundary walls and surrounding ground levels.

In addition, the panels will be located approx. 24m North from the property boundary of Belvedere, and approx. 50m West of the property High Wath. These separation distances are considered to be acceptable given the nature of the proposal.

The panels will be finished in black anodised aluminium frames with dark, non-reflective glass, selected to minimise glare and visual impact. The materials proposed are considered to be appropriate and suitable for their use.

On this basis, the proposal is not considered to significantly harm residential amenity and enables effective use of land whilst maintaining amenity and maximising solar gain as per Policy DS4.

Impact on the Public Right of Way

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access.

Public Right of Way 403007 runs to the East of the proposal, through Belvedere and High Wath and therefore consideration must be given to the potential impacts on both the physical and amenity of the footpath.

Whilst the proposal will likely be seen from the footpath, the dwelling is set back approx. 54m from the footpath, so will therefore not interfere with the footpath, nor will it harm the physical footpath, or the amenity of the user. The proposal is therefore considered to satisfy Policy CO6 and the NPPF guidance.

Biodiversity Net Gain

Policy N1 seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy. Policy N3 of the ELP 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 above. 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 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 proposal is one which is exempt from BNG under the de minimis rule as there is no on-site habitat present. This position has been confirmed by the Councils Ecologist.

Planning Balance and Conclusion

The proposal includes the installation of 30 stand-alone ground-mounted solar PV panels with associated underground cabling connecting the array to the dwelling known as Dent View House.

The proposed scheme is considered to be of an acceptable scale and design with no negative impacts on residential amenity. Impacts on the amenity of the surrounding area is mitigated by the design of the proposal, its layout and the existing boundary treatments in place.

The proposal is not subject to BNG or any ecology details.



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	<p>On this basis, the proposal satisfies the Policies of the Copeland Local Plan and Provisions of the NPPF.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted shall 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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -<ul style="list-style-type: none">- Application Form (amended), received March 2026;- Existing Site Plan, scale 1:500, drawing DVC-GC-001- Proposed Site Plan, scale 1:1250, drawing DVC-GC-002, received 22nd January 2026;- Proposed Block Plan, scale 1:500, drawing DVC-GC-002, received 22nd January 2026;- Solar Panel sections and elevations, scale 1:10, drawing DVC-GC-003, received 22nd January 2026;- Design & Access Statement, received 22nd 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. <p>Informative Notes</p> <p>Development Low Risk Area – Standing Advice – Mining Remediation Authority</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered</p>

during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242 Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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: De Minimus

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: Demi Crawford

Date : 02/04/2026

Authorising Officer: N.J. Hayhurst

Date : 02/04/2026

Dedicated responses to:- N/A