

**CUMBERLAND COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/26/2028/0F1
2.	<b>Proposed Development:</b>	DEMOLITION OF EXISTING GARAGE AND REPLACE WITH NEW GARAGE
3.	<b>Location:</b>	MEADOW VIEW, ROTHERSYKE, EGREMONT
4.	<b>Parish:</b>	Lowside Quarter
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM
6.	<b>Publicity Representations &amp; Policy</b>	See Report.
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>The application site relates to Meadow View, a large, detached property located within Rothertsyke on the outskirts of Egremont.</p> <p>The site is angular in shape with a large outbuilding along the front boundary, and a detached garage on the side boundary.</p> <p><b>Proposal</b></p> <p>The application seeks planning permission for the demolition of the existing detached garage, and the construction of a new one on the same footprint.</p> <p>The garage will be 5.2m in width and 7.2m in length. It has been designed with a sloped dual pitched roof that has an overall height of 4.24m which slopes down to 2.4m at eaves level.</p> <p>The garage will contain a main garage door on the front elevation, 2 windows on each side</p>

elevation, and 1 single access door on one of the two side elevations.

Proposed external finishes include St Bees red sandstone walls, with anthracite roof tiles and timber windows and doors.

### **Relevant Planning History**

4/11/2135/0F1 – Alterations and Extensions – Approve

### **Consultation Responses**

#### Beckermest and Thornhill Council

No comments received to date.

#### Highways and Local Lead Flood Authority

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

#### Public Representations

The application has been advertised by way of a site notice.

No representations have been received in response to this consultation.

### **Planning Policies**

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

#### **Development Plan**

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only. The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.



## Cumberland Council

### **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:-

DS4: Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Strategic Policy N3: Biodiversity Net Gain

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

### **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 proposed application relates to a residential dwelling situated on the outskirts of Egremont/Thornhill. The development proposes to demolish the existing detached garage which is now not fit for purpose and construct a replacement garage on the same footprint.

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 development is therefore accepted 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 they would not adversely alter the existing building or street scene.

Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards.

The garage will be 5.2m in width and 7.2m in length. It has been designed with a sloped dual pitched roof that has an overall height of 4.24m which slopes down to 2.4m at eaves level.

It will be appropriately located within the site given it is replacing an existing garage structure

on the same footprint.

Proposed external finishes include St Bees red sandstone walls, with anthracite roof tiles and timber windows and doors. The proposed materials are suitable for their use and ensures that the proposal compliments the existing property, and the wider residential area.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

#### Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity.

Policy H14 of the Copeland Local Plan indicates that house extensions will be permitted provided that the development would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

The garage will contain a main garage door on the front elevation, 2 windows on each side elevation, and 1 single access door on one of the two side elevations.

The property is surrounded by open fields and has no immediate neighbours – the nearest residential dwelling is Meadowcroft which is located approx. 156m south of the parent property.

It is reasonable to impose a suitably worded Planning Condition to ensure that the garage remains ancillary to the use of the parent property and does not introduce non confirming uses to the area to protect residential amenity.

On balance, taking into account the siting of the garage and the separation distance to the nearest residential dwelling, the proposal is acceptable, and it will not adversely harm the neighbouring amenity.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

#### Biodiversity Net Gain

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.



## Cumberland Council

	<p>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 is a householder therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed replacement garage is considered to be of an appropriate scale and design for the site and locality, which would preserve the amenities of the parent property and the wider locality.</p> <p>The proposal is not subject to Biodiversity Net Gain.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan and provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li></ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"><li>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: -</li></ol> <ul style="list-style-type: none"><li>- Application Form, received 28<sup>th</sup> January 2026;</li><li>- Site Location Plan, scale 1:1250, received 28<sup>th</sup> January 2026;</li><li>- Proposed Plans, Sections and Elevation Drawings, received 28<sup>th</sup> January 2026;</li></ul> <p>Reason</p> <p>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> <ol style="list-style-type: none"><li>3. The garage shall be used for the housing / parking of private vehicles and storage of domestic equipment only in association with the residential property known as Meadow View and for no commercial or business purposes whatsoever.</li></ol>

Reason

To ensure that non-conforming uses are not introduced into the area in the interests of amenity.

**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: Householder development.

**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.

<b>Case Officer: Demi Crawford</b>	<b>Date : 23/03/2026</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 24/03/2026</b>
<b>Dedicated responses to:- N/A</b>	