

<b>Application Reference Number:</b>	4/26/2068/0F1
<b>Application Type:</b>	Full Planning Permission
<b>Application Address:</b>	Croft Hill, Quality Corner, Moresby
<b>Proposal</b>	Change Of Use of Guest House and Private Dwelling (Use Class C1: Hotels and C3: Dwelling Houses) to a Children's Care Home (Use Class C2: Residential Institutions)
<b>Applicant</b>	Cumberland Council
<b>Valid Date</b>	25 February 2026
<b>Case Officer</b>	Sarah Papaleo

### **Cumberland Area**

Copeland

### **Parish**

Moresby

### **Relevant Development Plan**

Copeland Local Plan 2021-2039

### **Reason for Determination by the Planning Committee**

The application has been submitted by Cumberland Council and has received local objection.

### **Recommendation**

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

## **1 Site and Location**

- 1.1 This application relates to a detached building known as Croft Hill which currently operates as a guest house and attached residential dwelling. It is located at Quality Corner in Moresby and lies approximately 1.5 miles to the north of Whitehaven.
- 1.2 The dwelling is sited within a large plot and is adjoined to the south by the dwelling known as Lythmore. The site is flanked to the east by an unclassified road which links Whitehaven to the settlements of Moresby and Howgate to the north. Open agricultural land lies to the west and north.
- 1.3 The site is served by an existing entrance which joins onto the unclassified road to the east.

## **2 Relevant Planning Application History**

- 2.1 Change of use to allow for use as bed and breakfast in part of the house, approved in August 2007 (application reference 4/07/2397/0 relates);
- 2.2 Removal of existing outbuildings and erection of extension to main house to create new dwelling, approved September 2010 (application reference 4/10/2356/0F1 relates);
- 2.3 Removal of existing outbuildings and erection of extension to main house to create new dwelling – amended scheme, approved in August 2011 (application reference 4/11/2260/0F1 relates).

## **3 Proposal**

- 3.1 This application seeks Full Planning Permission for the change of use of the existing guest house and private dwelling (Use Classes C1: Hotels and C3: Dwelling Houses) to form a children's care home (Use Class C2: Residential Institutions).
- 3.2 The residential care home will house up to five children aged between 8-18 years old with two bedrooms being allocated to staff. The adjoining private dwelling will be converted into a semi-independent "move on" flat for two young people aged 16-18 with one staff bedroom.
- 3.3 Access to the property is via the unclassified road to the east. Parking and turning for 6 cars are available to the front of the property.
- 3.4 The care home will be managed by Cumberland Council Children Services to provide residential care to vulnerable children.

- 3.5 The external appearance and boundary treatments will remain unchanged as part of the conversion.
- 3.6 Internally there will be alterations to remove partition walls. These works do not require planning permission.

#### **4 Consultation Responses**

##### **Moresby Parish Council**

No response received.

##### **Highways/Local Lead Flood Authority**

###### 1<sup>st</sup> response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: The Highway Authority has requested that the applicant submit updated existing and proposed parking plans clearly showing the location of the additional 8 parking spaces. The plans currently submitted each show only 6 spaces, whereas the application form states a total provision of 15. Revised plans are therefore required for clarification.

###### 2<sup>nd</sup> response

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.

##### **Environmental Health**

There are no objections to this development from Environmental Health. It is noted that a package treatment plant is to be provided for foul drainage. Ideally the rain / surface water drainage should be kept off the PTP as it may have the effect of washing through sewage without full treatment.

The premises will need to be registered as a food operator for food hygiene purposes.

Planners may wish to condition hours of construction works in order to limit noise intrusion to neighbours.

The following condition and advice is therefore provided:

- Noise from Construction Works

Following approval of the development, 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 and at no 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.

Informative:

- The premises will need to register as a food business operator. This can be done from the following link - <https://register.food.gov.uk/new>
- Advice on food hygiene and kitchen design can be sought from the Environmental Health team at Cumberland Council

### **Public Representation**

This application has been advertised by way of a site notice and neighbour notification letters issued to 1 no. properties.

8 letters raising objections have been received raising the following concerns:

- Child supervision when out in the neighbourhood;
- Safety of living close to the care home;
- The dwelling is not fit for purpose as it is daunting and is not secure;
- Highway safety;
- Limited access to public transport;
- Insufficient services for occupants;
- The dwelling is isolated and rural;
- Increase in traffic from proposal;
- Potential for excessive noise disturbance;
- The use would not be in character with the surroundings.

## **5 Planning Policy**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission is determined in accordance with the provisions of 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.

**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 5<sup>th</sup> 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

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS3: Planning Obligations

Policy DS4: Design and Development Standards

Strategic Policy SC1: Health and Wellbeing

Policy H6: New Housing Development

Policy H12: Residential Establishments, including Specialist, older persons housing and purpose-built student and key-worker accommodation

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO2: Priority for improving transport networks within Copeland

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

**Other Material Planning Considerations:**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

Cumbria Development Design Guide (CDDG)

## **6 Assessment**

### **Principle of the development**

- 6.1 Strategic Policy DS1 of the LP defines the settlement hierarchy for the former Copeland Borough Council area. Strategic Policy DS2 of the LP defines settlement boundaries for all settlements included within the hierarchy. It is confirmed that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. The site lies outside of the designated development boundary for Whitehaven.
- 6.2 Policy H12 allows for the creation of residential establishments where they are well-integrated into the wider community and have safe access to services and public transport.
- 6.3 Policy H6 supports housing development subject to a number of criteria.
- 6.4 Croft Hill is an existing dwelling and guest house and therefore the principle of a change of use to another type of residential use is generally supported within the adopted local plan.
- 6.5 The dwelling is located close to Whitehaven where there are a wide range of services including convenience stores, employment opportunities, schools and healthcare. There are public bus services available from a bus stop a short distance from the Application Site.
- 6.6 Overall, it is considered that the principle of development is acceptable, changing one residential use to an alternative residential use.

### **Impact on Residential Amenity**

- 6.7 Policy DS4 of the LP and section 12 of the NPPF seek to secure high standards of design which create and maintain a reasonable standard of residential amenity.
- 6.8 The application property is a large existing dwelling and guest house which is located within a substantial plot and is adjoined by a small group of other residential units. The proposal would provide accommodation for up to five children aged between 8-18 years old with two staff bedrooms and a further two young people aged between 16-18 years old with one staff bedroom within the adjoining private dwelling.

- 6.9 The nearest residential dwelling known as “Lythmore” lies approximately 27m to the south. This is considered to be an acceptable separation distance and is likely to reduce any impact on amenity issues resulting from the proposed use.
- 6.10 The previous use as a dwelling and guest house was an intensive use and the proposed use is unlikely to result in any significant intensification that would increase its impacts further. It is considered that the level of occupation is not significantly greater than that which would be expected from the existing use.
- 6.12 Whilst it is acknowledged that there may be an increased number of visitors at staff handover times and that other professionals and family members would be likely to visit the property from time to time, this would generate some traffic, noise and potential disturbance through the day. However, a normal family home and guest house would also be likely to create regular movement.
- 6.11 There will be no external alterations to the property, therefore there will be no issues created with regards to overlooking or loss of privacy.
- 6.12 Environmental Health requested a condition relating to audible noise from the development. As the construction works are internal only and as such do not require planning permission, it is not considered reasonable to impose the condition suggested by the Environmental Health Officer. Any issues relating to noise from construction works could be dealt with separately under the Environmental Protection legislation.
- 6.13 Overall, it is considered that there would not be any additional impact on residential amenity for the surrounding neighbourhood as a result of the proposed use.

### **Highways Impacts**

- 6.14 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.
- 6.15 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.

- 6.16 Furthermore, Policy H13 of the LP requires that a safe access to the front and rear of the property is available, adequate off street parking lies within close proximity to the site and cycle space is provided if possible.
- 6.17 The proposal initially included 15 parking spaces but was later amended to 6 off road parking spaces. These will be located to the front of the property which is considered to be adequate to serve the use proposed. There is also sufficient space within the site to ensure that vehicles can turn and leave the site in a forward gear. The use is unlikely to result in any issues with regards to unsociable parking.
- 6.18 The Highway Authority have reviewed the application and raise no objections.
- 6.19 On this basis the proposal is considered to be compliant with the Policy CO4, CO7 and H13 of the Copeland Local Plan, and provisions of the NPPF.

### **Biodiversity Net Gain**

- 6.20 Policy N3 of the LP 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.
- 6.21 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.
- 6.22 Based on the information available this proposal is considered to be exempt from the requirements of Biodiversity Net Gain. The proposed use is confined to the existing building structure and will not have any impact on any habitat. Consequently, it is considered to be de minimis development.

### **Fear of Crime**

- 6.23 Paragraph 96 of the National Planning Policy Framework states that planning policies and decisions should aim to achieve places which promote safe and

accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

- 6.24 It is considered that the weight which can be given to fear of crime is limited unless there is significant evidence to show that an increased level of crime would actually occur.
- 6.25 It is appreciated that local residents have genuine concerns about the potential for an increase in anti-social behaviour and an increase in crime as a result of the proposals. A number of representations have been received regarding this issue.
- 6.26 Whilst the children living at the home might have emotional or behavioural difficulties, each child would be supervised at all times when in the property and would attend school as per any other child. Children would be allowed to leave the property out of school hours in accordance with their personal plan and would have curfew times like any other child in a family environment.
- 6.27 The management of the facility would be required to operate within the minimum national standards for children's homes and staff would be subject to Ofsted regulation and inspections.
- 6.28 Operation of the home would take place in accordance with standards set in place by Cumberland Council's Children's Services. Consequently, it is considered that there is no evidence that the proposal would lead to an increase in crime or anti-social behaviour and therefore little weight can be afforded to the concerns of the local residents in this regard.

### **Procedural Issues**

- 6.29 Comments were received from a Local Councillor raising concerns about the consultation process undertaken for this planning application.
- 6.30 The neighbouring property – "Lythmore" was notified directly by letter, and a site notice was posted outside of the property. This level of notification conforms to the statutory requirements set out in the Town and Country Planning (Development Management) Procedure Order 2015. The letter and site notice provided a 28 day period in which to comment on the application. This is greater than the minimum required statutory time period of 21 days for formal consultation. Any representations received after this consultation period have also been accepted and taken into account as part of the assessment of this proposal.
- 6.31 As Cumberland Council is the Applicant for this planning application and objections have been received, the Application has been referred to the Planning Committee for determination as required by the adopted scheme of delegation.

## **7 Planning Balance**

- 7.1 Policies within the Local Plan seek to ensure that new development is situated within suitable areas whilst respecting any surrounding properties and ensuring suitable amenity standards for both the proposed and any existing properties. The proposal relates to the change from one residential use to another residential use. This would not result in any significant change to the existing situation. The principle of development is therefore supported, and this carries significant weight within the planning balance.
- 7.2 The site lies within close proximity to Copeland's Principal Town of Whitehaven where there are a range of services, educational facilities and employment options available. This is given moderate weight.
- 7.3 The existing access and parking provision at the site is retained and is considered to be adequate to serve the use proposed. Access to public transport is also available in close proximity to the site. The proposal therefore complies with Policies CO5 and CO7 of the LP. This is given great weight.
- 7.4 The proposal is unlikely to create any significant amenity issues for the surrounding properties. This is given significant weight within the planning balance.
- 7.5 The concerns of local residents have been considered in detail, and the material planning considerations have been addressed above. It is clear that there is a degree of local interest in the proposal and any decision needs to carefully balance these concerns with relevant planning policies, and other material considerations.
- 7.6 In overall terms, the benefits of providing specialist residential care accommodation would outweigh any harm that would result from the proposal.

## **Recommendation**

That the application is granted subject to the conditions outlined at the end of this report, with the Service Manager for Development and Implementation being given delegated authority to add to and/or make any amendments to the conditions as considered appropriate.

## **APPENDIX 1**

### **List of Conditions and Reasons**

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: -

Application form, received 21st April 2026;

Site Location Plan, scale 1:1250, drawing number 24019-SLT, received 25th February 2026;

Proposed Site Plan, scale 1:200, drawing number 24019-13B, received 25th February 2026;

Proposed Floor Plans, scale 1:100, drawing number 24019-11E, received 25th February 2026;

Supporting Statement, written by Architects Plus, received 21st April 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.

3. The property must be used as a children's care home (Use Class C2) and must accommodate no more than 7 children or young persons under the age of 18 at any one time, and must not be used for any other purpose falling within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any other Order revoking and/or re-enacting that Order.

Reason

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

4. Notwithstanding the detail contained within the application, the development hereby permitted must not be brought into use until a management plan has first been submitted to and approved in writing by the local planning authority. The management plan must outline measures to minimise impacts on the amenity of local residents, and include (but not be limited to) matters such as the timing of staff changeovers, visits from external parties, operation of CCTV and any external lighting. Thereafter, the development must be operated in accordance with the management plan.

Reason

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

### **Informative Notes**

- The premises will need to register as a food business operator. This can be done from the following link - <https://register.food.gov.uk/new>
- Advice on food hygiene and kitchen design can be sought from the Environmental Health team at Cumberland Council

### **Biodiversity Net Gain – Exemption Applies**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning. 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 exemptions: De Minimis

### **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.