

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/26/2095/0F1	
2.	<b>Proposed Development:</b>	CHANGE OF USE OF FORMER GARAGE LAND TO EXTEND DOMESTIC CURTILAGE TO INCREASE THE WIDTH OF THE PROPOSED SINGLE GARAGE APPROVED UNDER PLANNING APPROVAL 4/25/2081/0B1 & EXTEND THE OFFICE ROOF TO COVER THE REAR 1 METRE WIDE SECTION OF THE PERGOLA	
3.	<b>Location:</b>	2 CHURCH WALK, MILLOM	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	This application relates to 2 Church Walk, a semi-detached property located within the west of Millom. Church Walk is an unadopted road located off Holborn Hill which contains a mix of terraced, semi-detached and detached dwellings. The site previously benefitted from three	

flat roofed garages attached to the side of the house (now demolished) and also a rear garden.

### **Relevant Planning History**

4/23/2120/0F1 – Raise the roof height, erect three storey side and rear extension, two storey rear extension and provide a first floor rear facing terrace – Approved.

4/23/2120/0F1 – Non material amendment – Approved.

4/23/2127/0F1 – Add three and two storey side and rear extensions, raise the roof height and provide a rear facing terrace (alternative scheme – amended roof) – Refused.

4/25/2081/0B1 – Variation of condition 2 (external changes) of planning approval

4/23/2120/0F1 – Raise the roof height, erect three storey side and rear extension, two storey rear extension and provide a first floor rear facing terrace – Approved.

4/25/2286/DOC – Discharge of conditions 3 and 4 of planning approval 4/25/2081/0B1 – Approved.

4/26/2090/DOC – Discharge of condition 4 of planning application 4/25/2081/0B1 – Approved.

### **Proposal**

Planning permission was approved for the alterations and extension of this domestic property in 2023 under reference 4/23/2120/0F1.

The approved plans were subsequently revised under an application for a non-material amendment which was approved on 11th December 2023.

In May 2025, a S73 permission (ref: 4/25/2081/0B1) was approved to vary the plans approved under planning permission 4/23/2120/0F1.

This current application seeks planning permission to change the use of the former garage land to extend the domestic curtilage of the property to increase the width of the proposed single garage approved under application 4/25/2081/0B1.

The site previously benefitted from two single flat roofed garage, sited to the north gable of the dwelling. The first garage was demolished following the approval of the previous permission at this site in order to accommodate a new attached garage measuring 3.1m x 6.1m with a dual pitched roof with an eaves height of 3.2m and an overall height of 4m. The second garage, which lies along the boundary with the neighbouring property (Holme Garth), has now also been demolished. The proposal seeks to change the use of this land so it is incorporated into the curtilage of the existing residential property in order for a larger attached garage to be constructed.



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The proposed garage will now project from the side elevation of the dwelling by 5.8m and will extend along this elevation at its greatest point by 7m. The rear of the proposed garage will be stepped with the minimum extension along this elevation being 6.2m. The proposed garage will benefit from a mono pitched roof with an eaves height of 2m and an overall height of 3m. Externally the proposal will be finished with a grey standing seam metal roof and grey cement board wall cladding.

Under the previous planning approval, a first floor rear terrace was approved with a pergola and vertical louvre wall to prevent overlooking of neighbouring properties. This current application also seeks to extend the office roof to cover the rear 1m wide section of the pergola.

### **Consultation Responses**

#### Millom Town Council

No objections in principle to this application.

#### Cumberland Council – Highway Authority & Lead Local 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.

Informative:

The LLFA surface water map show flooding close to the site and indicate 1 in 100 chance of occurring each year.

A PROW (public footpath/bridleway/byway) number 415003 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

If you have a particular aspect of this application you wish us to consider, please feel free to contact me direct.

#### Public Representation

This application has been advertised by way of neighbour notification letters issued to 3 properties. No responses have been received to this statutory notification period.

#### Public Reconsultation

Following the receipt of amended/additional information for the application and an amendment to the application description a reconsultation was undertaken for all

neighbouring properties and those who previously commented on the application.

One letter of support has been received which states:

- The current garage to be demolished is outdated with little to no architectural quality, replacement will be an improvement to the area and will match the style of the abutting property when complete.

### **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.

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.

### Copeland Local Plan 2021 - 2039 (LP):

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

Strategic Policy DS1: Settlement Hierarchy

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 H14: Domestic Extensions and Alterations

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity



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Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

### **Assessment**

The key issues raised by this application relate to the principle of the development; scale, design, and impact of the development; impact on highway safety; flood risk and drainage; and impact on biodiversity and ecology.

#### Principle of Development

This application relates to an existing residential dwelling and a former garage site adjoining the curtilage of the property, located within Millom.

Millom is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. It also acts as service hub for nearby villages. It is stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.

The settlement boundary for Millom is defined in Strategic Policy DS2. The application site is located within the Millom settlement boundary. 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 site lies within a predominantly residential area. The proposal seeks to change the use of an area of land adjacent to the residential property to extend the domestic curtilage of the property to increase the width of the proposed attached garage previously approved under application 4/25/2081/0B1. The proposal is considered acceptable given the history of the site and the character of the surrounding area.

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 considered to comply with Policies DS1, DS2, and H14 of the Copeland Local Plan.

#### 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

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, and they would retain an adequate provision of outdoor amenity space to serve the property.

The proposal seeks to change the use of an area of land adjacent to the residential property to extend the domestic curtilage of the property to increase the width of the proposed attached garage previously approved under application 4/25/2081/0B1. The proposal is considered acceptable given the context of the site and is not considered to have a detrimental impact on neighbouring properties or the overall streetscene.

The site previously incorporated three flat roofed garages attached to the existing residential property which have now been demolished. The site has previously been granted planning permission to extend the existing property to include a large dual pitched garage over the footprint of two of the demolished garages. The proposal will now extend the proposed attached garage over the footprint of the three demolished garages, however a lower mono pitched roof will be utilised. The current proposal will therefore better reflect the previous development on the site and will therefore limit the overall impact on the surrounding streetscene. Due to the previous use of the site, the proposed siting and amended overall design will also limit the impact on the amenity of neighbouring properties.

The proposal also seeks to extend the roof over the first floor rear terrace approved under the previous approvals at this site. The development is not considered to adversely affect the overall design of the wider scheme and will not adversely impact on the neighbouring properties. The previous approval secured the installation of a vertical louvre wall on the proposed terrace to prevent overlooking of the adjacent property. The plans for this application show this screening but will not be secured by condition as this is conditioned as part of previous approval which relate specifically to the extension and terrace.

Limited details have been provided in relation to the overall materials for the proposal, therefore these details will be secured by an appropriately worded planning condition. This will also ensure the materials reflect those secured by condition in relation to the extension of



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the dwelling.

No objections have been received from any neighbouring properties.

On this basis, the proposal is considered to comply with Policies DS4 and H14 of the Copeland Local Plan and the provisions of the NPPF.

### Impact on 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 proposal will replace three single garages, not all of which were previously associated with this residential property, with a large single structure. These garages have now all been demolished. The development is not considered to have a significant impact on highway safety as the proposal will provide off street parking for the residential property and will reduce the number of accesses onto the highway.

A Public Right of Way (PROW number 415003) runs along the rear of the application site. As the development seeks to replace a former garage site and reduces the overall height of the previously approved garage to better reflect the previous structures on site, the development is not considered to impact on this public footpath.

The Highway Authority have offered no comments on this application. An informative will however be included in relation to the PROW at their request.

The proposal is therefore considered to be compliant with the Policy CO4 and CO7 of the Copeland Local Plan, and provisions of the NPPF.

### Flood Risk & Drainage

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 is located within Flood Zone 1. The proposed garage will be located upon an existing hardstanding, the footprint of the former garage site, and will therefore not increase surface run off or increase flood risk within the area.

On the basis the proposal is therefore considered to achieve the requirement of 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 exempt from these BNG requirements. In this instance the development is considered exempt from BNG as the development is for a change of use so there will be no or only a de minimis impact on onsite habitat.

The application site is identified as a potential area for natterjack toads. As the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is within an existing built up area on a previously developed site, the development is not considered to disturb any habitats. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads.

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 Conclusions

The application seeks planning permission to change the use of an area of land adjacent to the residential property to extend the domestic curtilage of the property to increase the width of the proposed attached garage previously approved under application 4/25/2081/0B1.

The site is located within the settlement boundary for Millom.

Given the previous use of the site as three separate garages (now demolished), the proposal is acceptable given the history of the site and the character of the surrounding area. The proposal is considered to better reflect the previous development on the site, limiting the



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	<p>impact of the development on the overall streetscene and residential amenity.</p> <p>The proposed alterations to the roof of the previously approved extension are not considered to adversely affect the overall design of the wider scheme and will not adversely impact on the neighbouring properties.</p> <p>The development is not considered to have an adverse impact highway safety, flood risk, or ecology.</p> <p>The proposal is therefore 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><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must 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. 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"><li>- Application Form, received by the Local Planning Authority on the 25<sup>th</sup> March 2026.</li><li>- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 25<sup>th</sup> March 2026.</li><li>- Block Plan, Scale 1:200, Drawing No: 21BP, Version: 1.0, received by the Local Planning Authority on the 25<sup>th</sup> March 2026.</li><li>- Current Plans (Amended), Scale 1:100, Drawing No: 01CP, Version 3.0, received by the Local Planning Authority on the 18<sup>th</sup> May 2026.</li><li>- Proposed Plans (Amended), Scale 1:100, Drawing No: 01PP, Version 3.0, received</li></ul></li></ol>

by the Local Planning Authority on the 18<sup>th</sup> May 2026.

- Current Elevations (Amended), Scale 1:100, Drawing No: 01CE, Version 3.0, received by the Local Planning Authority on the 18<sup>th</sup> May 2026.
- Proposed Elevations (Amended), Scale 1:100, Drawing No: 01PE, Version 3.0, received by the Local Planning Authority on the 18<sup>th</sup> May 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.

#### Other Conditions:

3. Prior to their first use within the development, full details of the materials to be used in the construction of the external surfaces of the development hereby approved must be submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

#### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and to incorporate measures to design out crime in accordance with DS4 of the Copeland Local Plan.

#### **Informative Notes:**

1. A PROW (public footpath/bridleway/byway) number 415003 lies adjacent to the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

#### **2. 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.



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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: The development falls under the de minimis exemption.

**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 :** 18.05.2026

**Authorising Officer:** N.J. Hayhurst

**Date :** 20.05.2026

**Dedicated responses to:-** N/A