

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2098/0F1
2.	Proposed Development:	DETACHED SELF BUILD DWELLING
3.	Location:	PLOT 5, JULIA DRIVE, SANDWITH
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location This application relates to one of the remaining plots situated at Julia Drive in Sandwith. Plot 5 is to the north of the access road as you enter Julia Drive and is currently a vacant building plot with extant outline planning permission for a single dwelling. Several other dwellings have previously been built on the site as part of a small residential cluster. The site is accessed from a cul-de-sac leading from the main road running through Sandwith. Relevant Planning History	

Outline application for residential development including barn conversion to provide two dwellings, approved in June 2004 (application reference 4/04/2046/0 relates);

Construction of road and plot layout for 12 no. dwellings, approved in December 2004 (application reference 4/04/2771/0 relates);

Outline application for five dwellings, approved in March 2012, application reference 4/12/2073/001 relates);

Outline application for the erection of 7 dwellings, approved in July 2014 (application reference 4/14/2194/001 relates).

Proposal

This application seeks planning permission for the erection of a detached self build dwelling.

The dwelling will comprise four bedrooms, one with ensuite, a bathroom and study on the first floor and an open plan kitchen/living/diner, snug, utility and sun room on the ground floor. An integrated single garage is proposed to serve the dwelling.

The dwelling will be 11.3m x 12.5m in scale with a further projection for the sun room to the rear of 3.8m. The dwelling will be 5m to the eaves and have an overall height of 8.5.

It is proposed to construct the dwelling from brick, with a tiled roof and UPVC windows and doors.

Access is to be taken from the cul-de-sac to the west of the dwelling. There will be a grassed garden to the south and east and parking for three cars to the west. Two patio areas are proposed to the south of the dwelling accessed from double doors on the rear elevation of the property.

Consultation Responses

Whitehaven Town Council

No objections.

Highways and Local Lead Flood Authority

No comments.

United Utilities

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.



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Ecologist

The Council Ecologist accepts that this development is exempt from the Biodiversity Gain Condition provided that the applicant is to live in the property for a minimum of 3 years.

Suggested Planning Conditions

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 by a suitably experienced ecologist 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.
- 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.

Bats

Works should be undertaken in daylight hours. Where this is not possible, a bats-specific lighting scheme will be designed during construction to minimise light impact. This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023).

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to four properties.

One neutral letter was received requesting that their land is not encroached during the construction phase.

Planning Policies

Planning law requires 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 policies relevant to this application are as follows:

- 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
- Strategic 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



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- Policy H7 - Housing Density and Mix Strategic
- Strategic Policy N1 - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2 - Local Nature Recovery Networks
- Strategic Policy N3 - Biodiversity Net Gain
- Strategic Policy N6 - Landscape Protection
- Strategic Policy CO4 – Sustainable Travel
- Policy CO5 – Transport Hierarchy

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough-Wide Housing Needs Survey (2020)

Self Build and Custom House Building Act 2015

Assessment

The key issues raised by this planning application relate to the principle of the development; scale and design and impacts on residential and visual amenity and landscape, drainage and flood risk; ecology and highway safety.

Principle of Development

Outline planning permission was granted for the erection of seven dwellings under reference 4/14/2194/001, which established the principle of residential development on the site. This is a full application covering issues relating to the siting, scale, appearance and landscaping. Subsequent applications have been submitted separately for individual plots on Julia Drive.

Housing Need - Self Build

This application proposes the development of a self-build dwelling.

The Self-build and Custom Housebuilding Act 2015 and the Self-build and Custom Housebuilding (Register) Regulations 2016 place a duty on relevant local planning authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. It is required that local planning authorities have regard to each self-build

and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

Housing and Planning Act 2016 places duty on a relevant local planning authority to grant permissions for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each defined base period.

It is confirmed that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the Self-build Register of the relevant local planning authority. The Copeland Self-Build Register includes 20no. interested persons/parties which have been registered since 2017. No interest has been registered by the applicant for this site.

No persons have been added to the register in the last base period. The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build reasonably exceed the identified need; however, it is accepted that the register does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

The Copeland Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and accessibility.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 states that the Borough's landscapes will be protected and enhance by supporting proposal which enhance the value of the Boroughs 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. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment.

The application site lies within an existing small residential development on the edge of the village. Presently, the existing dwellings are prominent due to their situation within Sandwith and the rising topography of the land around Julia Drive. Whilst the dwelling will be large in scale, it will be viewed in context with the other existing dwellings and the large stone barn to the north. The dwelling is similar in scale to the other plots on Julia Drive and is unlikely to materially change the street scene within this part of Sandwith.

The proposal is therefore considered to comply with Policy N6 of the Local Plan.

Scale, Design and Impact of Development

Policy DS4 of the 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



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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.

Policy H6 of the Local Plan states that new housing will be supported when the design, layout, scale and appearance of the development is appropriate to the locality, consideration is given to the local, natural, cultural and historical assets and landscape character, acceptable levels of amenity is provided, privacy is proposed through distance or good design, the development will have no unacceptable overbearing impact on neighbouring residents due to scale, height and/or proximity, the layout promotes active travel, adequate parking is provided, and the proposal does not constitute inappropriate development of a residential garden which would harm the character of the area.

Whilst the proposed dwelling is large in size, the other dwellings on the site are of a similar scale. The dwelling will infill the gap between the access road and the large stone barn and will be viewed in context with the existing building group. One further building plot will remain to the north of the proposed dwelling.

The dwelling proposed will have a minimal impact on the neighbouring dwellings and is considered to be acceptable. There are no windows to habitable rooms proposed that will create overlooking to any of the adjoining properties.

The proposed materials and the modern design reflect the neighbouring dwellings and include a tiled roof and brick walls.

Overall, the design of the proposed dwelling is considered to be acceptable within this part of Sandwith and accords with Policies DS4 and H6 of the Local Plan, and the NPPF.

Access, Parking and Highway Safety

Policies CO4, CO5 and CO7 of the LP promote active travel.

The site will be accessed from the existing cul-de-sac which joins the road network to the south, leading to main centre of Sandwith. The Highway Authority raised no objections to the proposal.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site, with three off road parking spaces marked at the front of the property.

It is therefore considered that based on the above, the proposal meets the aims of Policies CO4, CO5 and CO7 of the Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policies DS6 and DS7 of the Copeland Local Plan seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policies within the Copeland

Local Plan reinforce the focus of protecting development against flood risk.

The application site is located within Flood Zone 1, therefore no Flood Risk Assessment has been submitted. The application form includes details that surface water will be drained to the main sewer.

The Local Lead Flood Authority and United Utilities raised no objections to the proposals, however it was considered that in accordance with the drainage hierarchy any connection to the sewers should be a last resort and that more sustainable methods of drainage should be explored first. As there has been no exploration of the drainage hierarchy, it is considered that a suitably worded planning condition should be added to any approval to ensure an adequate drainage solution is secured.

The implementation of an approved scheme will ensure that proper drainage is secured within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policies DS6 and DS7 of the LP and the provisions of the NPPF.

Ecology and Biodiversity Net Gain

Policy N1 of the LP seeks to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1 of the LP defines a mitigation hierarchy.

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.

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. 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 exempt from providing Biodiversity Net Gain.

A condition 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.

Based on the inclusion of this condition, it is considered that the development complies with policies N1 and N3 of the Local Plan and NPPF.

Planning Balance & Conclusions

	The application site is suitable for residential development and relates to a vacant plot in a small collection of dwellings on the edge of the village. The development will assist in delivering in the Council's aspiration to promote custom and self-build development, building on current demand and recognising the flexibility it offers people in terms of layout and accessibility. This is given significant weight. The proposal incorporates a development which is of a satisfactory scale and design which is seen in context with the surrounding properties and is not considered to have a detrimental impact on the amenities of the occupiers of nearby residential properties. This is given significant weight. The site will be accessed from the existing cul-de-sac which serves Julia Drive. No objections have been received from the Highway Authority. The proposal is not considered to have any adverse impacts on existing highways conditions. This is given moderate weight. Details of the proposed drainage have not yet been provided and can be secured by a suitably worded planning condition. This proposal is considered to be acceptable in principle by statutory consultees. This is given moderate weight. A condition will ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act to comply with BNG requirements. This is given moderate weight. On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: 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 31st March 2026;

Location Plan, scale 1:1250, received 31st March 2026;

Proposed Site Plan, scale 1:100, drawing number 100, received 31st March 2026;

Floor Plans, scale 1:50, drawing number 101, received 31st March 2026;

Elevations, scale 1:50, drawing number 102, received 31st March 2026;

External 3D Views, drawing number 300, received 31st March 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.

Prior to Occupation Conditions

3. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) must be submitted to the Local Planning Authority for approval prior to the first occupation of the dwellings hereby approved. 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 Policies DS6 and DS7 of the Copeland Local Plan 2021-2039.

Other Conditions

4. Noise from 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.

5. 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.

6. 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.

Informative Notes

Development Low Risk Area – Standing Advice – Mining Remediation Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

	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. 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: Self-build dwelling. 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: Sarah Papaleo	Date : 30/07/2026
Authorising Officer: N.J. Hayhurst	Date : 05/08/2026
Dedicated responses to:- N/A	