

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2133/0F1
2.	Proposed Development:	REPLACE EXISTING 2.2 METRE HIGH WOODEN FENCE ON NORTHERN BOUNDARY WITH A 2.3 METRE HIGH BRICK WALL
3.	Location:	10 CASTLE VIEW, MILLOM
4.	Parish:	Millom
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location This application relates to 10 Castle View, a detached property located within a cul-de-sac in a modern residential estate of Millom. The property benefits from a driveway to the front of the property, and a modest size garden to the rear. PROPOSAL Planning permission is sought for the erection of a 2.3m high wall along the rear boundary to replace the existing 2.1m high fence. The proposed wall will be finished in Clay weathered Common 73mm facing brick and will be 13.4m in length and comprises 3x 4.6m sections with 2 brick pillars between, and concrete coping stones on top. It will be located along the northern boundary between the host property and numbers 26 and 28 Fairfield Road.	

RELEVANT PLANNING HISTORY

None relevant.

CONSULTATION RESPONSES

Millom Town Council

No objections

Public Representations

The application has been advertised by way of neighbour notification letters issued to 5 properties – No representations have been received as a result of this consultation process.

PLANNING POLICIES

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

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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.

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

H14: Domestic extensions and alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity



Cumberland Council

Strategic Policy N3: Biodiversity Net Gain

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

The Countryside & Rights of Way Act 2000

Wildlife and Countryside Act 1981

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this proposal are the principle of development, its scale design and the potential impacts on amenity, and ecology and biodiversity net gain.

Principle of Development

The application relates to a residential dwelling within the Millom Area. The development will provide a replacement boundary treatment to the rear (Northern) boundary.

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, Design and Impacts on Amenity

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, street scene or wider surrounding area.

Policy DS4 of the Copeland Local Plan seeks to create high quality developments which respond positively to the character of the site and the wider setting and states that all new development should maintain high levels of amenity.

Section 12 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place.

Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

This application seeks permission for the erection of a 2.3m high wall along the rear boundary to replace the existing 2.1m high fence. Following a site visit, it was confirmed that the boundary fence had already been removed. The proposed wall will be 13.4m in length and will be located along the northern boundary between the host property and numbers 26

and 28 Fairfield Road.

The proposal is considered to be of an acceptable scale given the height is only an additional 20cm than what previously existed. It is therefore not considered to cause any further harm to the neighbouring properties. In addition, under current Permitted Development Rights, a wall not adjacent to a Highway can be erected up to 2m high without the requirement for Planning Permission, which is a fall-back position when considering this application.

The proposed wall will be finished in Clay weathered Common 73mm facing brick and comprises 3x 4.6m sections with 2 brick pillars between, and concrete coping stones on top. The proposed materials are acceptable and are not considered to adversely alter the existing building or wider street scene.

There was no objections received in response to the consultation.

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

Ecology and Biodiversity Net Gain

Policy N1 outlines how the Council will protect and enhance the biodiversity and geodiversity within the Borough 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 this is a householder application.

The application site is also identified as a potential area for natterjack toads, however, the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list). On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

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 Conclusion



Cumberland Council

	This application seeks permission for the erection of a 2.3m high boundary wall within the rear garden of the host property, along the northern boundary with number 26 and 28 Fairfield Road. The proposal is replacing a boundary fence which was 2.1m in height. It is considered that the proposal is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area. The proposal is not subject to BNG requirements and does not impact ecology. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.
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 29th April 2026; - Site Location Plan, scale 1:120, received 29th April 2026; - Site Block Plan, scale 1:500, received 29th April 2026; - Existing & Proposed Details, received 29th 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. Informative Notes 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 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.	
Case Officer: Demi Crawford	Date : 22/06/2026
Authorising Officer: N.J. Hayhurst	Date : 23/06/2026
Dedicated responses to:- N/A	