

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2140/0F1
2.	Proposed Development:	DEMOLITION OF DUTCH BARN AND ERECTION OF REPLACEMENT AGRICULTURAL BUILDING
3.	Location:	LAND TO THE EAST OF ASHLEA, DRIGG
4.	Parish:	Drigg and Carleton
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafeld 10KM
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location The application site relates to Land to the East of Ashlea, located on Old Shore Road within Drigg. The site is currently comprised of a dutch barn and lean-to on an existing hardstanding on the corner of the plot. The site is located on the junction of Old Shore Road, Drigg and the B5344, which runs along the north eastern boundary of the site. Vehicular access to the site is made via Old Shore Road that runs along the southern boundary. Proposal The proposal seeks planning permission for the demolition of the existing dutch barn and the	

construction of a replacement agricultural building. The dutch barn is currently in disrepair and in need of replacement. The lean-to was a later addition which is in good condition and is set to remain on the site and does not form part of the application proposals.

The proposed replacement building will be 6.7m x 18.4m and has been designed with a dual pitched roof with an eaves height of 4.2m and an overall height of 5.5m.

It will be finished with lower concrete panelled walls and upper grey profile sheeting.

Relevant Planning History

4/20/2210/0F1 ERECTION OF LEAN TO BUILDING TO EXISTING BARN FOR STORAGE OF AGRICULTURAL EQUIPMENT – Approve

4/25/2397/0N1 APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED TO REPLACE EXISTING BARN WITH A NEW STEEL PORTAL FRAMED BUILDING – Withdrawn

Consultation Responses

Drigg & Carleton Parish Council

No objections.

Resilience Unit

There are no objections to the proposed works. However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Highways & LLFA

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.



Cumberland Council

Cumberland Council Ecologist

The County Ecologist accepts that this application is exempt from the Biodiversity Gain Condition for the reasons included within the BNG Exemption Statement.

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 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.

This is particularly important for any barn owls which might use the area.

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 –

A bats-specific lighting scheme will be designed during construction to minimise light impact upon the hedgerow running adjacent to the site. This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023).

Public Representations

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 properties. 1 letter was received which raises the following concerns:

- Land drains are blocked and during heavy rainfall Old Shore Road already takes on considerably more water than it used to.
- Ongoing flooding issues

- Any increase in unnatural water flow into my drainage will cause more flooding and more of Ashleas untreated sewerage to discharge onto my land.

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.

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:-

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Strategic Policy DS6 – Reducing Flood Risk

Policy RE1 – Agricultural Buildings

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3 – Biodiversity Net Gain Strategic

Policy N6 – Landscape Protection

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Conservation of Habitats and Species Regulations 2017 (CHSR)

The Wildlife and Countryside Act 1981

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Assessment

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

Principle of Development

The proposed application relates to land to the East of Ashlea, which is a small parcel of land associated with the dwelling Ashlea and is located towards the western end of the settlement of Drigg, which is located outside of the Settlement Boundary.

Policy DS2 of the Copeland Local Plan supports development outside of settlements, which have a proven requirement for such location, this includes agriculture related developments.

Policy RE1 supports new agricultural buildings subject to detailed criteria, which is set out below.

On this basis, the principle of the development is acceptable, and the building satisfies Policies DS2 and RE1 of the Local Plan and the NPPF guidance.

Scale and Design

Policy DS4 and section 12 of the NPPF seek to promote high quality designs.

Policy RE1 states proposals for new agricultural buildings will be permitted as long as they are of appropriate scale and design and do not result in adverse visual impacts or unacceptable harm to the landscape character or the amenity of nearby residential properties.

The proposed development is the demolition of existing dutch barn which is in a poor state of repair and is no longer fit for purpose, and the construction of a replacement agricultural building. The proposed replacement building will be 6.7m x 18.4m and has been designed with a dual pitched roof with an eaves height of 4.2m and an overall height of 5.5m. The proposed building would be no wider than the existing dutch barn and no longer than the adjacent lean-to building.

It will be finished with lower concrete panelled walls and upper grey profile sheeting. These materials are considered to be typical of modern agricultural buildings, and therefore appropriate for their use.

On this basis, the proposal is therefore considered to comply with Policies DS4 and RE1 of the Copeland Local Plan, and section 12 of the NPPF.

Residential Amenity

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

levels of amenity.

Whilst amenity issues were considered, the nearest residential dwelling Ashlea is located approx. 23m to the West, and has been confirmed by the agent to be under the ownership of the applicant. The next nearest neighbouring properties would be Greenside Farm approx. 70m to the West, and 2 Wray Head approx. 40m to the South. It is considered that this existing level of separation is sufficient to ensure that the proposed extension would not cause an unacceptable impacts upon amenity in terms of loss of sunlight, noise or loss of privacy.

The proposed structure is considered to be suitably located within the site, replacing an existing structure, and therefore it is considered that the proposal would not create unacceptable dominance or impact upon neighbouring properties.

Given the structure is to be used for agricultural storage only, it is not anticipated that there would be any increase in impact upon the amenities of the neighbouring properties above the current use of the site. It is proposed to impose an appropriately worded Planning condition to ensure that the replacement structure is used for agricultural purposes only in association with the dwelling Ashlea, of which it relates to.

The proposal therefore complies with Policy DS4 of the Copeland Local Plan.

Landscape and Visual Impact

Strategic Policy N6 states that landscapes will be protected and enhanced by ensuring that development proposals are assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

The development is considered to be suitably located on an existing agricultural unit, replacing an existing structure, and it is to be located adjacent to existing farm buildings at Greenside Farm, adjoining an existing agricultural lean to which will ensure that the character of the area is not eroded with development away from agricultural use.

The proposed materials are to be in keeping with the existing buildings and traditional agricultural buildings, and therefore this will minimise the impact of the development on the surrounding landscape.

Overall, the works are not considered to have a significant impact upon the visual amenity of the site and surrounding area, or the character and appearance of the landscape.

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

Flood Risk

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.



Cumberland Council

The application site is located in flood zone 1 and therefore at minimal risk of flooding.

A letter of representation was received as a result of the consultation process, which raised concerns regarding the blocking of land drains during heavy rainfall on Old Shore Road, ongoing flooding issues, and potential increase in unnatural water flow into the existing drains is likely to cause more flooding with the result that more untreated sewerage from Ashlea is likely to discharge onto neighbouring land. The issues relating to flooding and drainage on Old Shore Road are being investigated separately by the LLFA and Highways following ongoing Planning Enforcement issues for a site that is separate to the application site (Ashlea).

This application relates to a replacement structure which is already situated on an area of hardstanding, so is therefore not likely to contribute to the existing flooding on Old Shore Road during periods of rainfall. The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) also raised no objections to the proposal.

On this basis, the proposal is therefore considered to achieve the requirements of Policy DS6 of the Copeland Local Plan.

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.

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 de minimus as the area is less than 25sqm and therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.

In addition, the application site is identified as a potential area for natterjack toads. The the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and the proposed structure will be located on an area of hardstanding and is therefore not considered to significantly impact existing habitats. 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 application. The Council's Ecologist

	has also confirmed that the application is exempt from BNG. Based on the above, 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 Policy N3 of the Copeland Local Plan and the provisions of the NPPF. <u>Planning Balance and Conclusion</u> The proposed development is of an appropriate scale and design for the site and locality, which would preserve the amenities of the application site and wider residential area. The proposal is not considered to have a significant impact upon the visual amenity of the site and surrounding area, or the character and appearance of the landscape. An appropriately worded Planning condition is proposed to ensure that the replacement structure is used for agricultural purposes only in association with the dwelling Ashlea, of which this application relates to. The proposal is not subject to Biodiversity Net Gain and is not likely to increase Flood Risk on site or elsewhere. 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.
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 12th May 2026; - Site Location Plan (amended), scale 1:1250, received 3rd July 2026; - Existing Block Plan PB2, scale 1:500, received 12th May 2026; - Proposed Block Plan PB3, scale 1:500, received 12th May 2026;



Cumberland Council

- Proposed Elevations PB4, received 12th May 2026;
- Existing Elevations PB5, received 12th May 2026;
- Design & Access Statement, received 12th May 2026;
- BNG Exemption Statement, received 12th 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.

3. The replacement building shall be used for agricultural purposes only as set out in the Design and Access Statement received by the LPA on 12th May 2026, in association with the residential property known as Ashlea

Reason

To ensure that non conforming uses are not introduced into the area.

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: De Minimus development.

Detailed Emergency Planning Zone (DEPZ)

The location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware

of the appropriate action to take in the event of an incident at the Sellafield site. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

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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 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.

This is particularly important for any barn owls which might use the area.

Small Mammals –

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Bats –

A bats-specific lighting scheme will be designed during construction to minimise light impact upon the hedgerow running adjacent to the site. This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023).

Statement

The Local Planning Authority has acted positively and proactively in determining this



Cumberland Council

	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 : 03/07/2026
Authorising Officer: N.J. Hayhurst		Date : 03/07/2026
Dedicated responses to:-		