

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2154/0F1
2.	Proposed Development:	CHANGE OF USE OF AGRICULTURAL LAND TO A PRIVATE, PRE-BOOKED DOG EXERCISE AREA (LOW-INTENSITY LEISURE USE), INCLUDING REINFORCEMENT OF EXISTING BOUNDARY FENCING, INSTALLATION OF SECURE PEDESTRIAN ACCESS GATE, AND PROVISION OF SMALL CUSTOMER PARKING AREA
3.	Location:	THE BARN, BECK GREEN, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM, PROWs - Public Right of Way, Main River Consultation Area - Main River Consultation Area
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 a parcel of land associated with The Barn, situated at Beck Green,

Distington. The site stretches from The Barn to the south and spans approximately 0.55 hectares.

The site is accessed from the existing access road to The Green into a large car park adjacent to the existing stable block.

The land is currently open fields.

Part of the site falls within flood zones 2 and 3.

Relevant Planning History

Construction of an access road, associated access with gate and kiosk, approved in December 2002 (application reference 4/02/9020/0 relates);

Erection of stables and all weather riding arena, change of use to equestrian, approved in January 2015 (application reference 4/14/2466/0F1 relates).

Proposal

The application seeks full planning permission to change the use of the land from agricultural land to form a private, pre-booked dog exercise area including reinforcement of the existing boundary fencing, installation of an access gate and the provision of a small customer parking area.

The perimeter fence will be upgraded from 1.2m to 1.7m in height but will remain as a post and wire fence.

The proposed opening hours for the facility are listed as 7am – 8pm during the Summer months and 8am – 6pm during the Winter. The park will be operated on a pre-booked basis with no entry to the general public. The dog park will be utilised by a maximum of three dogs at once with all to be from the same household.

Consultation Responses

Distington Parish Council

1st Consultation

Distington Parish Council have concerns regarding the access and egress of this development and suggest the exist should be via the road opposite Sunningdale and Vale View and with the entrance to the site further up the hill opposite the junction into the village. All other details are acceptable.

2nd Consultation

No response received.



Cumberland Council

Highways and Local Lead Flood Authority

1st 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.

2nd Response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

Environment Agency

1st Response

Environment Agency position

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused. We do not consider the document titled 'Flood Warning & Evacuation Plan' to be a considered an FRA as it does not meet the absolute minimum requirements.

Reasons

The application site lies predominantly within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

2nd Response

In our letter referenced PA-0004687/01 and dated 05 June 2026 we objected to the development as proposed pending the submission of and acceptable Flood Risk Assessment (FRA) in line with the requirements.

The planning application is now accompanied by a Flood Risk Assessment (FRA) prepared by Unda Consulting Limited, referenced; 97300-Martin-BeckGreen V.01 and dated 22nd April 2026.

Environment Agency position

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the FRA more than meets the minimum requirements and address the points raised in our letter. We are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. We now therefore

remove our holding objection to the development as proposed.

3rd Response

Environment Agency position

We have no further comments to add to our previous response on 22 June 2026, referenced PA-0004687/02.

Council's Ecologist

The Council Ecologist accepts that this application is exempt from the Biodiversity Gain Condition under the de minimis rule and makes no further comments.

Environmental Health

1st Response

Environmental Health's remit is primarily concerned with residential amenity with this application. Planners may wish to consider if a general management plan should be required as an approved document. This could include noise management, cleansing schedule and maintenance plan, together with contact details and measures for recording and dealing with any complaints. Environmental Health would be happy to assist the applicant with this if required. Planners may also consider if there should be a time limit on the use of the dog exercise area, avoiding its use during unsocial hours. There are no details of any external artificial lighting, so presumably the site would be not be used during hours of darkness.

The applicant should also be wary of any nearby agricultural land with livestock present, given that The Dogs (Protection of Livestock) (Amendment) Act 2025 came in to force in March 2026.

The proposed use as a pre-booked dog exercise area would fall outside of the animal licensing regime although the applicant should be aware of good industry guidance (Pet Industry Federation membership for instance).

We note the current objection of the Environment Agency to this application. On a similar note, Council mapping shows that there are several public sewers and access manholes on / under this site and United Utilities may have a viewpoint on this.

In summary, Environmental Health do not object to this proposed development and offer the following possible conditions:

- **General Management Plan**

No building or use hereby permitted shall be occupied or use commenced until there has been submitted to and approved in writing, by the Local Planning Authority, a General Management Plan, setting out measures the control of noise, the recording of any complaints and measures taken, contact details for any person/s responsible for the site, and cleaning and maintenance policies. The approved General Management Plan shall be complied with throughout the duration of the use.



Cumberland Council

Reason: To safeguard the amenity of nearby premises and the area generally.

- Hours of Operation

The use of the site shall not be carried out outside the hours of (xxxx) to (xxxx) Monday to Saturday and on Sunday (xxxx) to (xxxx).

Reason: To safeguard the residential amenity of nearby occupiers.

2nd Response

Thank you for the above planning consultation and the submission of the General Management Plan.

This, and the proposed hours of use, are satisfactory and may be agreed as an approved document. As such, Environmental Health have no objections to this development.

Countryside Access Team

Public Right of Way Bridleway 404008 passes along the edge of the development site for approximately 115m.

Given the proximity of the proposed development to the BW 404008 the applicant should contact the Countryside Access Team to discuss the need for a temporary closure or diversion of the Public Right of Way for the duration of any works.

The applicant must be advised that:

- The granting of planning permission would not give them the right to obstruct, close or divert the public right of way.
- The public right of way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 6 no. properties.

The first consultation raised 5 objections raising the following concerns:

- Noise from dogs barking;
- Increase in traffic;
- There is no need for the development;
- Concerns relating to flooding;
- Hygiene concerns relating to dog waste;
- Disruption to nearby livestock and wildlife;

- Devaluing property prices.

The second consultation raised 2 further objections raising similar concerns with the addition of:

- Concerns about safety from potentially dangerous dogs.

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 5th 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 R5: Retail and service provision in rural areas

Policy SC5: Community and Cultural Facilities



Cumberland Council

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

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, impact of the development; impact on highway safety; flood risk and drainage; and impact on biodiversity and ecology.

Principle of the Development

The site is close to, but outside of the designated settlement boundary for Distington, as detailed within Policy DS1 of the Copeland Local Plan.

Policy DS2 lists the development that will be supported outside the settlement boundaries including:

- Dwellings that are well related to the settlement boundary, physically connected to an identified settlement and where the Council cannot demonstrate a 5 year land supply;
- Nuclear related developments;
- Renewable energy proposals, including wind farms;
- Essential infrastructure to support energy developments and other infrastructure;
- Appropriate rural developments such as agricultural, forestry, farm diversification or tourism proposals which are dependent on such a location.

The proposed dog exercise facility is proposed on land adjacent to an existing stable block. The Applicant is proposing to rent the field for the purpose of dog exercising. Due to the use

being one that requires a large space and to be away from potential noise receptors, the principle of the rural location is considered to be advantageous.

The principle of development is therefore considered to comply with Policies DS1 and DS2 of the Copeland Local Plan.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance by: supporting proposals which enhance the value of Copeland's 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; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment¹⁰⁸ from the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5d: Urban Fringe. The Key Characteristics of the land comprise:

- Long term urban influences on agricultural land
- Recreation, large scale buildings and industrial estates are common
- Mining and opencast coal workings are found around Keekle and Moor Row
- Wooded valleys, restored woodland and some semiurbanised woodland provide interest.

The Guidelines for development include:

- When new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside. Reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features.
- Protect 'green' areas from sporadic and peripheral development. Support the retention and development of 'green gaps', green infrastructure and ecosystem services approaches in Local Development Frameworks where they would help maintain distinctive, undeveloped characteristics.

- Protect countryside areas from sporadic and peripheral development through the local plans.
- Careful siting of any new development in nonprominent locations.
- Strengthen undeveloped areas of land with mixed woodland and hedgerow planting and restoration of natural landscape features.
- Encourage horse grazing and equestrian uses to respect field boundaries and field patterns. Stables and other facilities should be sited sensitively with appropriate landscape mitigation to prevent the erosion of the pastoral farmland character.
- Along major roads, develop schemes to improve visual awareness of the individual settlements, land uses and cultural landmarks.
- Conserve and maintain traditional farm buildings within their own setting.
- Reduce the impact of large scale new farm buildings by careful location so as not to dominate the traditional farm buildings on a plot adequate to accommodate circulation, storage and landscape proposals using a choice of sympathetic colours and non-reflective finishes.

The application site is located close to Distington and within an existing agricultural field. The proposed increase in the height of the boundary fence will be visible from surrounding viewpoints, however it will remain as a post and wire fence which is typical of this agricultural area. As the development is low impact with very little change to the existing landscape, it is considered that it will not result in detriment to the character and appearance of the open countryside on the edge of the settlement.

Based on the above the proposal is considered to comply with Policy N6 of the Copeland Local Plan and the aims of the Cumbria Landscape Character Toolkit.

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 effective use of land whilst maintaining amenity and maximising solar gain.

A number of objections have been received from local residents raising concerns regarding the development.

On assessment, it is considered that the proposal is unlikely to have a significant adverse impact on the properties at The Green due to the separation distances involved and relatively controlled use including a cap on numbers of dogs, the necessity that they belong to the same household and the proposed opening hours. The proposed management of the facility is detailed within the submitted Management Plan. It is considered reasonable to

condition this document to ensure that the details are adhered to. By way of extra protection, should any issues with noise arise, this can be dealt with under separate legislation through Environmental Health.

Environmental Health raised no objections to the proposal.

On this basis, it is considered that the development would be in accordance with Policies DS4 of the Copeland Local Plan, and 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.

Access to the site will be from the existing road leading from Distington to The Green. Concerns were raised from local residents regarding the use of the access road and the introduction of further traffic to the area. It is considered that car movements will be minimal, with the addition of 2 vehicles an hour – one waiting for their booking whilst one is currently utilising the facility. The Management Plan details that visitors will enter through the main road leading to the site and exit using the smaller road to the left in order to minimise traffic as much as possible. It will be required that users agree to this within the terms and conditions of site utilisation.

Ample parking is available on the existing car park adjacent to the stables on the site.

The Highways Authority raised no objections to the proposal, stating that there is unlikely to be a material effect on the existing situation.

A public right of way (Bridleway 404008) runs from east to west at the south of the site. The Countryside Access Officer stated that this must not be obstructed, closed or diverted.

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



**Cumberland
Council**

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 site is located within Flood Zones 1, 2 and 3.

The application was supported by a Flood Risk Assessment which concluded that the development would be water compatible and that no additions to the site will give rise to flooding risk.

The Local Lead Flood Authority did not raise any objections to the proposal and consider that the development is unlikely to create any issues with flooding either on site or within the surrounding area. The Environment Agency were satisfied with the proposals and offered standing advice.

On this basis the proposal is considered to be compliant with the Policy DS6 and DS7 of the Copeland Local Plan, and provisions of 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.

The application is supported by a Biodiversity Net Gain exemption statement. This document concludes that the development will not impact any priority habitat and will not impact more than 25m² of non-zero rated habitat or more than 5m of linear habitat.

The Council's Ecologist accepted that the proposal is exempt from the requirements of BNG.

Subject to the above the proposal is considered to achieve the requirement of Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

The application site is located outside of any settlement boundary identified within the settlement hierarchy. However, it is considered to be a suitable use for the rural setting with justification for the siting within the open countryside. The principle of the development is

	therefore considered to be acceptable. It is considered that the proposal is unlikely to increase any issues relating to neighbouring amenity, highway safety or site drainage. Planning conditions can be imposed to secure additional measures to control the use and management of the facility. On balance, the proposal is 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.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: The development hereby permitted must 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. 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:- Application form, received 19th May 2026; Site Layout Plan, scale 1:1250, received 19th May 2026; Location Plan, scale 1:1250, received 19th May 2026; Fence details, received 19th May 2026; Flood Warning and Excavation Plan, received 19th May 2026; Flood Risk Assessment, written by Unda, document reference 97300-Martin-BeckGreen, received 23rd April 2026; General Management Plan, written by Cumbria Canine Park, received 12th June 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. Following approval of the development, opening times to the public must only be between the hours of 07:00 and 20:00 and at no other times whatsoever.

Reason

In the interests of the amenities of surrounding occupiers of the development in accordance with DS4 of the Copeland Local Plan 2021-2039.

4. Development must be operated in accordance with the General Management Plan, written by Cumbria Canine Park and received on 12th June 2026 at all times.

Reason

In the interests of neighbouring amenity and in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

5. Development must be carried out in accordance with the conclusions and mitigations detailed within the Flood Risk Assessment, written by Unda, document reference 97300-Martin-BeckGreen, received 23rd April 2026.

Reason

In order to reduce the risk of additional flooding and in accordance with Policies DS6 and DS7 of the Copeland Local Plan 2021-2039.

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 exemptions: De minimis development.

Coal Standing Advice

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

Public Right of Way

Public Right of Way Bridleway 404008 passes along the edge of the development site for approximately 115m.

Given the proximity of the proposed development to the BW 404008 the applicant should contact the Countryside Access Team to discuss the need for a temporary closure or diversion of the Public Right of Way for the duration of any works.

The applicant must be advised that:

- The granting of planning permission would not give them the right to obstruct, close or divert the public right of way.
- The public right of way as shown on the Definitive Map and Statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

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 : 05/08/2026

Authorising Officer: N.J. Hayhurst

Date : 07/08/2026

Dedicated responses to:-