

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2182/0F1
2.	Proposed Development:	ERECTION OF WALL ADJACENT TO SIDE AND FRONT ELEVATION OF DWELLING MEASURING UP TO A MAXIMUM HEIGHT OF 1.5 METRES AND EXTENSION OF DRIVEWAY FOR CAR PARKING
3.	Location:	15 LANGHORN COURT, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location The application site relates to 15 Langhorn Court, a detached property situated on a residential estate within Egremont. The site benefits from a tarmac driveway area to the front of the property, with an unused, sloping grassed area to the side. The site is accessed via a shared block paved driveway serving numbers 7, 9, 11 and 15 Langhorn Court. Proposal The proposal seeks planning permission for the extension of the front driveway for offroad parking, and the erection of 2x walls, 1 adjacent to the side/front of the dwelling parallel to the grass banking and 1 adjoining wall which runs the length of the shared driveway boundary, parallel to the boundary with number 17 Langhorn Court. The front wall adjacent to the side/front of the host dwelling will span 15.5m in length and will be 1.29m in height. The adjoining wall running the length of the shared driveway will be 24m	

in length and will vary in height from 1.075m in height, gradually stepping down to 0.43m in height.

The construction of the wall will be hollow block with rebar inserts, capped with copings and finished with render. The extension of the driveway will be of hardstanding.

Relevant Planning History

4/01/0003/0 ERECTION OF 86 NO. DWELLINGS

Consultation Responses

Egremont Town Council

No objections.

Highways and LLFA

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has carefully reviewed the submitted plans and I note the following:

- The section of shared driveway which the wall surround is not adopted - i.e. it is a private shared driveway.
- There is no public right of way along this road and the wall will not prevent or block access to the general public
- It does not affect visibility onto the carriageway or footway

I conclude that there is no highway safety implication of the proposal, nor does it block legal access of a highway.

I 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, however it is advised that any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team. <https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges>

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Environment Agency

No comments to make in respect of this application.



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Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 properties. No representations have been received in response to this consultation.

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 2021- 2016.

The policies relevant to this application are as follows:-

Policy DS4: Design and Development Standards

Policy H14: Domestic Extensions and Alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy DS6: Reducing Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

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 and design and the potential impacts on residential amenity, flood risk, and impact on ecology and biodiversity.

Principle of Development

The proposed application relates to a residential dwelling within Egremont.

The development would provide extended driveway/offroad parking facilities, and a new wall enclosure for the host property.

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 residential 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 or street scene, they would retain an adequate provision of outdoor amenity space to serve the property and would not harm the amenity of the occupiers of the parent property or adjacent dwellings.

Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards and maintain high levels of amenity.

The proposed wall will be appropriately located to the side/front of the existing property.

The front wall adjacent to the side/front of the host dwelling will be set back approx. 3.4m from the side of the host property and will span 15.5m in length and will be 1.29m in height. The adjoining wall running the length of the shared driveway will be 24m in length and will vary in height from 1.075m in height, gradually stepping down to 0.43m in height.

Under current permitted development rights, a wall/fence can be erected up to 1m in height adjacent to a Highway without the requirement for formal Planning Permission. This fall-back position is a material consideration in the determination of this application, given that the highest point of the entire wall is only an additional 29cm above the authorised 1m. The proposal is therefore not considered to cause significant harm overall.

Whilst amenity issues between the proposal and the neighbouring properties were considered, the proposal is relatively modest in overall scale. The extension of the front driveway surface is not considered to materially change the position for the neighbouring properties as they all already benefit from driveways/offroad parking facilities. From the application form submitted, it appears that the host property owns the access road serving these dwellings, therefore any issues relating to shared access would be a civil/legal issue. The scale and design of the development would not, therefore, adversely alter the existing



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building or street scene, nor would it result in overdevelopment of the site.

The construction of the wall will be hollow block with rebar inserts, capped with copings and finished externally with render. The extension of the driveway will be of hardstanding. It is considered that the proposed materials are appropriate and suitable for their use. As a result, the design and materials proposed are considered to respect the character and appearance of the existing property and wider residential area.

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

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.

The application site is located in flood zone 2 and therefore a Householder and other minor extensions in FZ 2&3 Form has been submitted to support the application.

The form confirms that the proposed floor levels will be the set no lower than the existing levels and flood proofing has been incorporated where appropriate. The use of an appropriately worded Planning Condition can secure these details.

On this basis, it is not considered that the proposal will cause any additional flood risk on site or elsewhere as a result.

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA), and The Environment Agency also raised no objections to the proposal.

The proposal is therefore considered to achieve the requirements of Policy DS6 of the Copeland Local Plan.

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 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 a Householder application, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain. 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 Policies N1 and 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 parent property and wider residential area. The proposal is not subject to Biodiversity Net Gain and is not considered 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 (amended), received 30th July 2026; - Site Location Plan, scale 1:1250, received 9th June 2026; - Proposed Block Plan, scale 1:500, received 9th June 2026; - Proposed Plan Sketch, received 9th June 2026; - Site Layout Plan, received 9th June 2026; - Householder & Other Minor Extensions in FZ 2&3 Form, received 11th June 2026;



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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. Before the extension is occupied, the flood resilience and mitigation measures must be carried out in accordance with the Householder and Other Minor Extensions in Flood Zones 2 and 3 Form received by the Local Planning Authority on 11th June 2026. The flood resilience and mitigation measures must be maintained thereafter.

Reason

To protect the property against flood damage in accordance with Policy DS6 of the Copeland Local Plan 2021-2039.

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242 Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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.

Highway Permit

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

<https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges>
Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

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 : 11/08/2026****Authorising Officer: N.J. Hayhurst****Date : 13/08/2026****Dedicated responses to:- N/A**