



The Market Hall
Market Place
Whitehaven
Cumbria CA28 7JG
Telephone 0300 373 3730
cumberland.gov.uk

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Land adjacent to Brandle How, Gilgarran

Applicant Details

Name/Company

Title

Mr

First name

Kevin

Surname

Wirga

Company Name

Gilgarran Estates

Address

Address line 1

Brandle How

Address line 2

Address line 3

Town/City

Gilgarran

County

Cumbria

Country

Postcode

CA14 4RF

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☐ An existing use
- ☒ Existing building works
- ☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

On 11/12/18, Copeland Borough Council granted planning permission in full for a 'residential development of a single dwelling' adjacent to Brandle How, Gilgarran (Planning Application 4/18/2461/001 refers).

The pre-commencement conditions for this dwelling were subsequently discharged on 05/07/23 as confirmed in a letter from Cumberland Council 4/23/2117/DOC refers).

The landowners have now commenced with the approved development and seek Lawful confirmation that a Material Commencement has been made to planning permission 4/18/2461/001 in accordance with the stipulated timescales and that the Local Planning Authority now considers the planning permission lawful commenced.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☐ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☒ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details

The applicant, Gilgarran Estates, are seeking Lawful confirmation from the Local Planning Authority that following the approval of all relevant Pre- Commencement Planning Conditions and commencement of works on site that a Material Commencement has been made to planning permission 4/18/2461/001 at Brandle How Gilgarran in accordance with the stipulated timescales and that the Local Planning Authority now considers the planning permission lawful commenced and now benefits from a permission in perpetuity.

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
☒ No

Please state why a Lawful Development Certificate should be granted

The reserved matters approval was granted on 17th June 2022. Condition 2 of the outline planning permission states that the development shall be commenced within 2 years of the approval of the reserved matters, and a commencement on the groundworks for the dwelling has been commenced in April 2024, which is within the 2 year period.

Via an application the applicants have secured the approval of all pre-commencement conditions. The applicant then instructed a groundwork/landscape contractor to undertake the following works:

- The removal of turf and soil from the development site by mechanical excavation;
- Installation of ducting for services;
- Import of 150m3 of top soil;
- Levelling and landscaping of site;
- Creation of site entrance; and
- Marking out the footprint of the dwelling on site.

The work undertaken are detailed in the attached photos.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

07-04-2024

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☒ Yes
☐ No

If yes, please provide details of their name, role, and how they are related:

***** REDACTED *****

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Simon Blacker

Date

03/05/2024