

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

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| 1. | <b>Reference No:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 4/25/2162/0F1                                                                                                 |
| 2. | <b>Proposed Development:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CONVERSION OF BARN INTO A DWELLING                                                                            |
| 3. | <b>Location:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | MOWBRAY FARM (BARN 6), FRIZINGTON                                                                             |
| 4. | <b>Parish:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Arlecdon and Frizington                                                                                       |
| 5. | <b>Constraints:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ASC;Adverts - ASC;Adverts,<br>Coal - Standing Advice - Data Subject To Change,<br>PROWs - Public Right of Way |
| 6. | <b>Publicity Representations &amp;Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | See report.                                                                                                   |
| 7. | <b>Report:</b><br><br><b>Site and Surroundings</b><br><br><p>The Application Site comprises land and buildings at Mowbray Farm, Frizington.</p> <p>The Application Site is a traditional barn of stone, concrete block and brick construction with slate/sheet covered roof attached to a dwelling which is located in open countryside. The elevations of the building are principally finished externally with render with some areas of exposed stonework. Part of the roof of the building has recently been repaired/replaced.</p> <p>An existing part made track provides access to a sealed surface access serving the Application Site and Frizington House Waste Recycling Centre, which connect to the public highway – (Frizington Road – A5086).</p><br><b>The Proposed Development</b><br><br><p>Full Planning Permission is sought for the alteration and change of use of the existing building to create a one four bedroom dwellinghouse.</p> |                                                                                                               |

The proposals include the demolition of a lean to side extension, the creation of a covered car port and both the replacement of existing windows/doors and the addition of new windows/doors including rooflights.

uPVC windows and timber doors are proposed.

Solar PV panels are proposed to the roof structure.

A range of internal works are detailed.

Access is proposed via the existing part made track.

A Visual Structural Inspection has been prepared by WDS Ltd in support of the planning application.

It is proposed to dispose of foul water and surface water to the main sewer as per the existing situation.

### **Directly Relevant Planning Application History**

None directly relevant.

### **Consultation Responses**

#### Parish Council

No consultation response received.

#### Cumberland Council – Highways

*12<sup>th</sup> June 2025*

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection in principle to the proposed development but would like the following points addressed before a final response can be issued.

#### LHA

- The LHA require a detailed plan showing visibility splays at the junction of the access road onto Frizington tip road. The splays need to show clear visibility of 60 metres in both directions to the nearside kerb or road edge from 2.4 metres into the access road

#### LLFA

- The LLFA require full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible



## Cumberland Council

parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

*9<sup>th</sup> September 2025*

Following the additional information submitted to the Local Planning Authority in August 2025, The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can now 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 – Countryside Access Officer –

*16<sup>th</sup> June 2025*

FP 401005 passes through the farmyard in close proximity to Barn 6.

It is unclear from the information provided if the proposed development would obstruct the Public Right of Way.

We require the applicant to submit:

- a revised layout plan showing the line of the Public Right of Way
- details of how the Public Right of Way will be incorporated into the development to ensure that it is unobstructed and safe to use.

*9<sup>th</sup> September 2025*

We have no objection to the application. FP 401005 passes through the farmyard in close proximity to Barn 6.

Given the proximity of the proposed development to the FP 401005 we would ask the applicant to 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 shown on the attached plan.
- 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.

Neighbour Representations

The application has been advertised by way of a site notice.

No representations have been received.

**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 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 LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

The following policies are relevant to this proposal: -

Strategic Policy DS1: Settlement Hierarchy  
Strategic Policy DS2: Settlement Boundaries  
Strategic Policy DS3: Planning Obligations  
Policy DS4: Design and Development Standards  
Policy DS5: Hard and Soft Landscaping  
Strategic Policy DS6: Reducing Flood Risk  
Policy DS7: Sustainable Drainage  
Policy DS8: Soils, Contamination and Land Stability  
Policy DS9: Protecting Air Quality  
Strategic Policy H1: Improving the Housing Offer  
Strategic Policy H2: Housing Requirement



## Cumberland Council

Strategic Policy H3: Housing Delivery  
Strategic Policy H4: Distribution of Housing  
Policy H6: New Housing Development  
Policy H7: Housing Density and Mix  
Strategic Policy H8: Affordable Housing  
Policy H17: Conversion of Rural Buildings to Residential Use  
Strategic Policy SC1: Health and Wellbeing  
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity  
Strategic Policy N3: Biodiversity Net Gain  
Policy N5: Protection of Water Resources  
Strategic Policy N11: Provision of Open Space in New Development  
Strategic Policy CO2: Priority for improving transport networks within Copeland  
Strategic Policy CO4: Sustainable Travel  
Policy CO5: Transport Hierarchy  
Policy CO7: Parking Standards

### **Other Material Planning Considerations:**

National Planning Policy Framework (NPPF).  
Planning Practice Guidance (PPG).  
National Design Guide (NDG).  
The Conservation of Habitats and Species Regulations 2017 (CHSR).  
Cumbria Development Design Guide (CDDG).

### **Assessment**

#### *Principle*

The Application Site is located within Open Countryside as defined in Policy DS1 of the LP.

Policy H17 of the LP outlines support for the conversion and re-use of buildings in the open countryside for housing outside of settlement boundaries where defined criteria are met.

The respective criteria are considered in turn below:

*a) The building is redundant or disused, is of a traditional design which contributes to the character of the area;*

The Application Site comprises a redundant traditional barn of stone, concrete block and brick construction with slate roof attached to a dwelling which is located in open countryside. The elevations of the building are principally finished externally with render with some areas of exposed stonework. The roof of the building has recently been repaired/replaced.

The building is of traditional design and contributes to the character of the area and farmstead.

*b) The building is structurally sound and capable of conversion without the need for significant extension, alteration or reconstruction;*

A Structural Inspection has been submitted in support of the Full Planning Application.

This states:

*“Barn 6 is generally in poor condition due to a lack of maintenance. The walls have numerous cracks and there a numerous rotten/woodworm infested inset timber lintels. The walls to the single storey extent are out of plumb especially to the front and left hand flank walls. There is evidence of separation cracking to the two storey extent gable wall although this appears due to historic movement. The roof structure to the single storey extent is in a poor condition and needs removed; the roof to the two storey extent is in a better condition and could be retained with some strengthening works. See photographs 10-11 attached.*

*Barn 6 is in need of extensive remedial works as part of any conversion scheme these include:-*

- The roof structures, if to be retained, will need inspected by a timber specialist to check for infestation and rot and treated accordingly. It is likely that only the main trusses will be structurally suitable to be retained as the rafters and purlins are not in accordance with current standards. Depending on the findings of the timber specialist the purlins may be strengthened, this will need checked by a structural Engineer as part of the building design phase*
- The masonry corners to the rear two storey extent need retied as part of any conversion scheme. There are numerous areas of loose masonry which will need rebuilt/pointed. In addition, there are numerous masonry cracks which will need re-tied as part of the general building refurbishment works. The bowed walls may need some rebuild however we see this as less than 20 percent of the overall building wall extent.*
- The timber lintels and inserts throughout the building will need replaced with precast concrete or steel sections to suit spans and loadings.*
- We recommend that a trial hole is excavated at each corner of the barns to expose the base level of the wall such that the ground floor slab and insulation detail can be specified to ensure that undermining of the wall does not occur during construction.*

*The barns are generally in an adequate structural condition with some rebuilding (less than 20% of the existing wall areas) and general refurbishment of the masonry walls necessary. It is our opinion that following the completion of the remedial works outlined above the barns will be structurally suitable to be converted into domestic properties. The conversion of the property into a dwelling will remedy all current faults and strengthen the building thus securing its long-term retention as a heritage asset.”*

It is clear from the Structural Inspection that whilst the building requires some remedial works, the building is in adequate structural condition with some rebuilding works. Less than 20 per



## Cumberland Council

cent of the existing walls require rebuilding with some general refurbishment of the masonry walls.

*c) The development conserves the essential character of the buildings and enhances the immediate surroundings;*

The design of the proposed conversion principally utilises the existing openings. Additional openings are proposed to create windows, alter an existing door into a window and to create a car port. These interventions are of a scale/form in keeping with the character and form of the existing building.

uPVC windows are proposed. These are not normally accepted in the conversion of a traditional barn. uPVC windows exist within the attached dwelling. Such details may be acceptable in this instance given the continuity etc. that will be achieved/exist; however, insufficient details have been provided to make such a judgement. A planning condition is proposed to secure detailed specification for the windows/doors to ensure their suitability to the building design/form.

*d) Safe road access is in place or can be created without damaging the rural character of the surrounding area;*

Access is proposed via the existing part made track.

The proposed development will not have a material effect on existing highway conditions or increase demand for on street parking.

Cumberland Council – Highways have raised no objections to the development.

*e) The proposed curtilage area is appropriate in scale to the character of the building and will not result in adverse visual impacts or adverse harm to the landscape character;*

The proposed curtilage is limited in scale and is well related to the curtilage of the existing attached dwelling; therefore, adverse visual harm and harm to the landscape character will not result.

*f) Appropriate protected species surveys (bat, owl etc) have been carried out and details of proposed mitigation to deal with any harm identified have been agreed with the Council*

A Bat Survey has been submitted in support of the Full Planning Application. The Survey concludes that there is negligible value for roosting bats. The recommendations outlined include ceasing all works in the event that bats are found and the installation of three bat boxes. These can be secured via planning condition.

The Survey confirms no evidence of nesting birds was found; however, birds could use the buildings for nesting purposes. The Survey also confirms that the building has value for barn

owls; however, it is not considered suitable for occupation. The recommendations outlined include the timing of works, noise mitigation and the installation of bird boxes. These can be secured via planning condition.

*g) The proposal would not have an adverse effect on the historic environment or the landscape*

The Application Site is not itself a designed heritage asset and does not comprise part of the setting of such.

Whilst the Application Site has some inherent interest and value being of traditional stone construction and forming part of a traditional farmstead, the building is not considered of sufficient value to comprise a non-designated heritage asset.

It is required that the development accords with the criteria of Policy H13:

*a) The development does not result in unacceptable levels of harm to residential amenity (noise and disturbance) for occupiers of the converted property and/or those occupying neighbouring properties;*

The development comprises a single dwellinghouse and will not therefore result in harmful impacts through unacceptable noise generation etc..

*b) Future residents have adequate levels of natural lighting and privacy;*

The dwelling includes natural light to all habitable rooms.

*c) The development does not have an adverse impact upon the privacy of neighbouring residents through direct overlooking;*

The Application Site is attached to an existing dwelling. No windows are proposed that will directly overlook the fenestration of the existing dwelling.

*d) Off street parking is provided or sufficient parking is available within close proximity of the site;*

Off street parking is provided for two vehicles. Extensive space also exists around the dwelling to accommodate vehicles.

*e) Adequate external amenity space is provided, including for waste and recycling bin storage without harming the visual amenity of the area where possible;*

A car port is proposed which will provide space for the storage of waste and recycling bins.

*f) Cycle space is provided, where possible;*



A car port is proposed which will provide space for the storage bicycles.

*g) Safe access is available from both the front and rear of the property, where possible;*

Safe access is available from the front and rear of the property.

*h) The development does not result in an over-concentration of HMOs, taking into account the cumulative impacts of HMOs and subdivided properties within the vicinity of the site.*

N/A.

#### *Affordable Housing*

The development falls below the threshold for the provision of affordable housing.

#### *Biodiversity Net Gain*

The Application Site does not include linear or watercourse habitats. The development will not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat; therefore, the development falls below the biodiversity net gain threshold and a ten percent biodiversity net gain is not required to be delivered.

#### *Flood Risk*

The application site is located in Flood Zone 1.

It is proposed to dispose of foul and surface water to the public main.

The GIS mapping does not show the existence of a public main connection to the Application Site; therefore, a planning condition is proposed to secure a detailed scheme for the disposal of foul water and surface water.

#### *Residential Amenity*

The development achieves appropriate interface separation distances to the front and rear elevations.

Given the scale, form and layout of the development no adverse impacts upon existing or approved dwellings would result through loss of light, overshadowing or overbearing.

A planning condition is proposed in relation to construction working hours to prevent unacceptable impacts upon nearby occupied dwellings during the construction works.

#### *Contamination*

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>The Application Site is a traditional barn of stone, concrete block and brick construction with slate/sheet covered roof attached to a dwelling. The building has been in agricultural and domestic use; therefore, there is a small risk of contamination. The building with an earth floor does not show signs of contamination and the other buildings have a solid floor. External fuel/chemical storage was not evident.</p> <p>A planning condition is proposed to control and secure remediation of unexpected contamination.</p> <p><i>Planning Balance</i></p> <p>The principle of the development is acceptable.</p> <p>The development is acceptable in respect of highways, ecology, drainage and amenity.</p> <p>In overall terms, it is considered that the benefits of the development outweigh the harms, when assessed against the policies of the Development Plan and NPPF when taken as a whole.</p> |
| 8. | <p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 9. | <p><b>Conditions:</b></p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans/details:</p> <p>Application Form<br/> Existing Site Plan – Drawing No. 6088 8 Rev. -<br/> Existing Plans and Elevations – Barn 6 – Drawing No. 6088 6 Rev. -<br/> Proposed Site Block Plan – Drawing No. 6088 11 Rev. B<br/> Proposed Plans and Elevations – Barn 6 – Drawing No. 6088 7</p>                                                                                                                                                                                |



## Cumberland Council

Visual Structural Inspection – Ref. WDS/05/9202/REP01  
Preliminary Roost Assessment – Mowbray Farm, Frizington – 4<sup>th</sup> April 2025  
Mowbray Farm (Barn 6), Frizington BNG Statement  
Design Access Statement - Mowbray Farm - Barn 6 Conversion of Redundant Barn to Dwelling

### Reason

For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the submitted details, no development shall commence until samples or specifications of the materials to be used in the construction/finishing of the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details.

### Reason

To ensure the development is of a high-quality design in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

4. Notwithstanding the submitted details, no development shall commence until details and specifications of the external windows and doors have been submitted to and approved in writing by the local planning authority.

The submitted details shall include cross-sections of the window frames and their method of opening.

The external window and door frames shall be recessed from the external wall face by a minimum of 100mm.

The windows and door frames shall be installed as approved and retained as such thereafter.

### Reason

To ensure the development is of a high quality design in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

5. Notwithstanding the submitted details, no development shall commence until details of a

sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must be based on the hierarchy of drainage options in the Planning Practice Guidance.

Prior to occupation of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of Strategic Policy DS6, Policy DS7 and Policy N5 Copeland Local Plan 2021 – 2039.

6. The development shall not proceed except in accordance with the mitigation strategy described in Preliminary Roost Assessment – Mowbray Farm, Frizington – 4<sup>th</sup> April 2025.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy ENV3 and Policy DM25 of the Copeland Local Plan 2021 - 2039

7. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of the National Planning Policy Framework.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved



## Cumberland Council

in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

### Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy DS8 of the Copeland Local Plan 2021-2039.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be formed in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

### Reason

To safeguard the living conditions of neighbouring residents and ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/ or extensions and that any additions which may subsequently be proposed in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021 – 2039.

10. The dwelling shall not be occupied until the parking facilities have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and be capable of use at all times and shall not be removed or altered without the prior written consent of the Local Planning Authority.

### Reason

To ensure a minimum standard of access and parking provision when the development is brought into use in accordance with the provisions of Policy CO7 of the Copeland Local Plan 2021 – 2039.

### Informative Notes

#### **Biodiversity Net Gain – Exemption**

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 as the proposals comprises development that does not impact a priority habitat and impacts less than:

- ☐ 25 square metres (5m by 5m) of on-site habitat; and,
- ☐ 5 metres of on-site linear habitats such as hedgerows.

### **Development Low Risk Area - 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 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

### **Public Right of Way**

Given the proximity of the proposed development to the FP 401005, 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 is advised that:

- The granting of planning permission would not give them the right to obstruct, close or divert the public right of way shown on the attached plan.
- 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



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|                                           |                                                                                                                                                                                                                                                       |                          |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
|                                           | 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. |                          |
| <b>Case Officer:</b> C. Harrison          |                                                                                                                                                                                                                                                       | <b>Date :</b> 15.10.2025 |
| <b>Authorising Officer:</b> N.J. Hayhurst |                                                                                                                                                                                                                                                       | <b>Date :</b> 21.10.2025 |
| <b>Dedicated responses to:-</b> N/A       |                                                                                                                                                                                                                                                       |                          |