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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73.

NOTICE OF GRANT OF PLANNING PERMISSION

T Fleming Homes Ltd
Station Road
Duns
TD11 3HS
FAO: Mr Josh Herbert

APPLICATION No: 4/26/2071/0B1

**VARIATION OF CONDITION 2 (PLANS) WIDTH & DEPTH OF HOUSE
INCREASING BY A SMALL INCREMENT IN RELATION TO APPROVED
PLANNING APPLICATION 4/25/2284/0F1 SELF BUILD DWELLING WITH
INTEGRAL GARAGE & SOLAR ARRAY ON FRONT ELEVATION ROOF SLOPE
PLOT 19, RUSPER DRIVE, WHITEHAVEN**

Mr Luke Charlton & Miss Sophie Dawson

The above application dated 24/02/2026 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before 21st December 2028.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. 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 on 11th February 2026
- Plans and Elevations, drawing number 6815 PL1 REV F, received on 11th February 2026
- Site Plan, drawing number 6815 PL2 Rev A, received on 11th February 2026
- Section Drainage Plan, drawing number BR4, received on 26th May 2026
- Building Regulation Plan, drawing number BR3 2287 Rev A, received on 26th 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. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:

Monday to Friday 08.00 – 18.00
 Saturday 08.00 – 13.00
 and at no time on Sunday or Bank Holidays

Unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the provisions of the National Planning Policy Framework.

Pre-Occupation Planning Conditions

4. The dwelling hereby approved shall not be occupied until the vehicular access and parking requirements to serve the dwelling have been constructed in accordance with the approved plan and brought into use. The vehicular access and parking provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with the provisions of Policy CO2 of the

Copeland Local Plan 2021-2039.

5. All hard and soft landscape works are to be carried out in accordance with the approved details in the first planting season following completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

To safeguard and enhance the character of the area and secure high-quality landscaping in accordance with the requirements of Policy DS5 of the Copeland Local Plan 2021-2039.

6. Prior to the first occupation of the dwelling hereby approved the first-floor windows in the side elevations as shown on the approved plans shall be fitted with obscure glazing (Pilkington Scale 3 or higher). The obscure glazing shall be retained for the life of the development unless agreed in writing with the Local Planning Authority.

Reason

To safeguard the amenity of the neighbouring residents in accordance with the requirements of Policy DS4 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 because one or more of the statutory exemptions or transitional arrangements are considered to apply.

Applicable exemption: Self-build and custom build development

Development which:

consists of no more than 9 dwellings, and is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

Coal Mining Area

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

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.

Please read the accompanying notice



Iain Fairlamb
Service Manager for Development and Implementation
Thriving Places

11th August 2026

**APPROVALS
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.