

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2071/0B1
2.	Proposed Development:	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
3.	Location:	PLOT 19, RUSPER DRIVE, WHITEHAVEN
4.	Parish:	Egremont
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION The application site relates to a vacant plot within a self build residential site at Rusper Drive. Outline planning permission was granted for erection of 26 dwellings (4/16/2206/0O1 refers) on this site in 2017. Most of the plots are now constructed and the majority occupied, The Application Site is flanked by large detached dwellings. Open land lies to the north of the site. PROPOSAL Planning permission was granted on 22nd December 2025 for the erection of a detached self build property on this vacant plot (application 4/25/2284/0F1 refers) This current application seeks to vary condition 2 of planning approval 4/25/2284/0F1 relating to the submitted plans for this development in order to facilitate a minor increase in	

both the width and length of the dwelling. These changes will also accommodate some minor internal alterations to the room layout.

CONSULTATION RESPONSES

Town Council

No objection as long as there is no overlooking onto the neighbouring properties & no part of the property or garden encroaches onto the public right of way path that runs alongside this development.

Highways and LLFA

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.

United Utilities

Following our review of the submitted documents, Drawing Drainage Position BR4 and Building Regulations Drawings BR3 rev A dated 22/05/26, site plan 6815PL2 rev A dated 30/01/26 and proposed plans and elevations 6815PL1 rev E dated 23/01/26, United Utilities has no objection to the variation of condition 2.

Public Consultation

The application has been advertised by way of a planning application site notice and neighbour notification letters issued to neighbouring properties.

No responses have been received in response to this consultation,.

PLANNING POLICIES

Planning law requires 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

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

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 H11: Community-led, Self-build and Custom Build housing

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 N6: Landscape Protection

Strategic Policy N9: Green Infrastructure

Policy N14: Woodlands, Trees and Hedgerows

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 Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The PPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission. In terms of the conditions attached to the previous decision notice (ref: 4/25/2284/0F1), condition 1 will be repeated to ensure timescales for commencement are clearly outlined. As works have not commenced on site conditions 3, 4, 5 and 6 will also be repeated from the original decision notice. Condition 2 relates to the approved plans for this application. This application seeks to vary this condition to accommodate a slight increase in both the width and length of the dwelling, These amendments are considered acceptable in the context of the existing house type for plot 19 and reflects the previously approved house types within the wider development, ensuring a harmonious development that reflects the character of the surrounding area.
8.	Recommendation: Approve
9.	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.	
Case Officer: D. Gibson		Date : 15/06/2026
Authorising Officer: N.J. Hayhurst		Date : 11/08/2026
Dedicated responses to:- N/A		