

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2205/0F1
2.	Proposed Development:	DEMOLITION OF EXISTING GARAGES AND CHANGE OF USE OF LAND TO EXTENSION OF DOMESTIC CURTILAGE INCLUDING THE ERECTION OF A DETACHED GARDEN ROOM BUILDING (PART RETROSPECTIVE)
3.	Location:	8 ESKDALE AVENUE, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	ASC Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location This application relates to 8 Eskdale Avenue and land to the rear of this end semi-detached property located within Seascale. The site relates to a parcel of land located to the rear (south) of the main dwelling which is/has been used as a garage site. The site contained 5 garages, 2 of which have now been demolished and the concrete base remains.	

Proposal

The application seeks part retrospective planning permission to demolish 5 garages (the remaining 3) to allow the change the use of the land to formalise it as a domestic garden and the erection of a garden room/store. The applicant lives immediately adjacent to the site and wishes to utilise this land as an extension to their existing amenity space.

The application site measures 13.5m x 7.7m, comprising five 2.5m x 5m garages.

The garden room is proposed to be located in the North East corner of the plot and will measure 6.22m in length x 5.15m in width. The structure has been designed with a sloping pent roof with an overall height of 2.483m, sloping downwards to 2.032m.

Four floor to ceiling windows each measuring 0.610m wide are proposed on the front elevation overlooking the host property garden.

The garden room will be constructed of a 75mm C-Section steel frame and will be finished with 40mm composite panel black plastic coated steel roof sheets, anthracite upvc windows and doors and external slate grey stone cladding.

Relevant Planning History

None relevant.

Consultation Responses

Seascale Parish Council

No response received to date.

Highways & LLFA

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

Cumberland Council Ecologist

The County Ecologist accepts that this development is exempt from BNG and has no further comments.

Environmental Health

Thank you for the above planning consultation. There are no objections from Environmental Health to this proposed development.

Resilience Unit



Cumberland Council

Thank you for the opportunity to comment on the above consultation. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

There are no objections to the proposed planning application. However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

I would ask that the applicant be reminded that liaising with this office is of importance to ensure that the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Contact: emergency.planning@westmorlandandfurness.gov.uk

Webpage: <https://www.cumberland.gov.uk/your-environment/your-community/community-safety/emergencies/chemical-and-nuclear-sites>

Public Representation

This application has been advertised by way of a site notice and the issue of neighbour notification letters issued to 5 properties. No objections have been received as a result of this consultation.

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 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 2001- 2016.

The policies relevant to this application are as follows:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

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

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 application relate to the principle of the development; scale, design impact of the development and Biodiversity Net Gain.

Principle of the Development

Seascale is identified in Strategic Policy DS1 as a Local Service Centre.

It is stated that these centres have a supporting role to Copelands towns containing a broad range of services. Settlements operate independently to meet day to day needs or as a well-connected cluster, linked to a neighbouring town or village of a similar scale by a frequent public transport service and/or safe pedestrian routes a mile or less in length. The focus is to support the retention and small scale growth of existing services and businesses.

Development will be focused on existing employment allocations, moderate housing allocations, windfall and infill development.

The application site is located within the Seascale settlement boundary which is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

The proposed application relates to a residential property located within a residential area of Seascale.



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On this basis, the principle of the development is therefore considered to be acceptable in accordance with Policies DS1 and DS2 of the Copeland Local Plan.

Scale, Design and Impacts on Amenity

Policy DS4 and section 12 of the NPPF seek to promote high quality designs.

Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity. Policy H14 supports extensions where the scale, design and materials of the proposed development would not adversely alter the character or appearance of the existing building, street scene or wider surrounding area.

There are two different aspects that have been assessed as part of this submission - The change of use of the land to a domestic residential garden for the property 8 Eskdale Avenue, and the construction of the garden room on this plot.

The plot is located to the rear (North East) of the parent property. Whilst the land is currently separated from the parent property by a boundary treatment, the land is understood to be wholly within the ownership of and used by the applicant as they prepare to combine both title deeds formally. The proposed change of use of the area of land to the rear to form a domestic residential garden is considered modest in overall scale, given that 2 of the garages have already been demolished and their concrete bases remain.

A covering letter submitted by the applicant states that the garages to the rear are dilapidated and disused. It is therefore considered that the granting of permission for this land would be in the best interests of both the applicant and the wider residential area to ensure that the amenity of the land can continue to be maintained appropriately. The change of use of the land to a domestic garden is therefore acceptable in principle.

In addition, the application seeks permission to construct a functional multi purpose garden room that will house gym equipment and provide games space for the applicant's children. The structure will measure 6.22m in length x 5.15m in width. The structure has been designed with a sloping pitched roof with an overall height of 2.483m, sloping downwards to 2.032m.

In a typical residential garden that is already established (i.e not outside of the domestic curtilage), an outbuilding can be constructed up to 2.5m in overall height within 2m of the boundary without the requirement for formal Planning permission. This is a fall-back position in determining this application.

The garden room will be constructed from a 75mm C-Section steel frame and will be finished with 40mm composite panel black plastic coated steel roof sheets, anthracite upvc windows and doors and external slate grey stone cladding. Whilst the proposed materials are modern, they are considered to complement the host property and the surrounding area. It is therefore considered that the proposal would not impact upon the character and appearance of the existing property itself, nor would it impact upon the character of the wider residential area.

Whilst the structure is considered to be large in overall scale, it is considered that it has been

located so far as practicable to reduce the impact on neighbouring properties.

Four floor to ceiling windows each measuring 0.610m wide are proposed on the front elevation overlooking the host property garden. The design of the structure doesn't include any windows on either side or rear elevations so it is not considered to have a significant impact upon the residential amenities of the adjoining properties or result in loss of privacy.

Furthermore, in order to ensure that residential amenity is further protected, two appropriately worded Planning conditions are proposed to remove the permitted development rights relating to any alterations/additions or the erection of any extensions/buildings to the garden room or extended garden area without prior written consent from the Local Planning Authority, and to restrict the use of the garden room to remain ancillary to the host property to ensure any proposed uses are controlled and to further safeguard the character and appearance of the development in the interests of residential amenity.

As part of the consultation process, no objections have been received from neighbouring properties.

On this basis, given the planning conditions proposed, there are no detrimental residential amenity issues considered as part of this proposal; therefore, the proposal is considered to satisfy Policy H14 and the NPPF.

Biodiversity Net Gain

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.

The application site is also identified as a potential area for natterjack toads. 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 meets the De Minimis threshold and is part retrospective and therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain. In addition, the development is considered to have a de minimis impact on onsite habitat as the application site is not located within 200m of a watercourse (as indicated within the ALGE trigger list), and is within an existing built-up area and the site has already been cleared.

On this basis, it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this application.



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	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 Policy N1 and N3 of the Copeland Local Plan and the provisions of the NPPF. <u>Planning Balance and Conclusion</u> On balance, the proposed development is of an appropriate scale and design for the site and locality. The proposal is not considered to have any significant impact on residential amenity. Planning conditions are proposed to remove permitted development rights, The proposal is not subject to Biodiversity Net Gain or Ecology details. 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
9.	Conditions: - 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, received 25th June 2026; - Covering Letter, received 25th June 2026; - Site Location/Site Plan, scale 1:500, received 25th June 2026; - Existing Site Plan, received 25th June 2026; - Proposed Site Plan, received 25th June 2026; - Proposed Garden Room Plans/Elevations, received 25th June 2026; - Land Registry Title Plan of Garages and Adjacent Road/Access, received 25th June 2026; - Supporting Photographs, received 25th June 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. - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and

doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the Garden Room, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity in accordance with Policy DS4 of the Copeland Local Plan 2021 2039.

3. The Garden Room hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Eskdale Avenue and shall not be let or sold as a separate permanent dwelling.

Reason

The Garden Room is not considered appropriate for use as a separate residential unit.

Informative Notes

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: De Minimus

Highways 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



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clear and accessible at all times.

Detailed Emergency Planning Zone (DEPZ)

The location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

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 : 18/08/2026

Authorising Officer: N.J. Hayhurst

Date : 19th August 2026

Dedicated responses to:- N/A