

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2208/PIP
2.	Proposed Development:	APPLICATION FOR PERMISSION IN PRINCIPLE APPLICATION FOR A THREE BEDROOM DORMER BUNGALOW
3.	Location:	26 NORTH ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location: The Application Site relates to land associated with 26 North Road. The parcel of land equates to an area of approximately 175 square metres and is sited to the north-west of 26 North Road. The site is steeply sloped from north to south and bound by hedges and a wooden fence. It is currently overgrown and disused. Access is taken from South View Road to the north west of the site.	

Planning Application History:

There have been no previous planning applications on this site.

Proposal:

This application seeks permission in principle for the erection of a three bedroomed dormer bungalow.

Indicative details of the proposed dwelling and its siting have been submitted to demonstrate how a dwelling could be accommodated on the site. This does not form part of the formal planning application.

Consultation ResponsesWhitehaven Town CouncilHighways and Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) have reviewed the above application and can confirm that we have no objection to the proposed development in principle as it is considered it will not have a material effect on existing highway as visibility splays can be achieved, nor will it increase the flood risk on the site or elsewhere as there is existing foul and surface water manholes at the junction of Beatty Road which would offer a connection point for the proposed property.

United Utilities

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with comments made above.

Ecologist**More Information Required:**

The Council Ecologist notes that prior to this application progressing the following information is required:

- A Biodiversity Net Gain Statement stating whether this development is in scope for the Biodiversity Gain Condition.



Cumberland Council

- Shadow Habitats Regulations Assessment is to be undertaken to determine the Likely Significant Effects, if any, of the proposed development upon any National Site Network sites, and

- Ecological Walkover/Preliminary Ecological Appraisal (PEA) most notably assessing the following:

- o The presence of badger setts within 30m of the development boundary.

- O Assessing the bat roost potential of the trees immediately adjacent to the site.

- O Presence of invasive non-native species.

Information Required for Technical Details Consent Stage

The ecological information likely to be required for the TDC stage is as follows:

- Required further species surveys recommended by the PEA; and

- Biodiversity Net Gain BNG baseline assessment (if applicable) with the associated Biodiversity Metric showing a 10% BNG.

Public Representation

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

One letter of objection has been received raising the following concerns:

- The parking is insufficient;
- The road is already congested and an additional dwelling will add to these issues;
- Residential amenity will be affected by the addition of another dwelling.

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 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

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 N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N5: Protection of Water Resources

Strategic Policy N10: Green Wedges

Strategic Policy N12: Protected Open Spaces

Strategic Policy N13: Local Green Spaces

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).



Cumberland Council

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Assessment:

The Application is seeking 'Permission in Principle' for the erection of 1 no. dwelling; therefore, the matters for consideration comprise the location, land use and amount of development only. Points of details, such as the layout of the dwellings and scale of dwellings etc. are to be considered at technical details consent stage if 'Permission in Principle' is approved.

Principle of the development

A five year housing land supply can be demonstrated in the former Copeland area of Cumberland Council and the housing delivery test has been passed.

Policy DS1 of the LP defines the settlement hierarchy for the Copeland area.

The Site is located within the settlement of Whitehaven, which is defined as Copeland's Principal Town in Policy DS1.

Policy DS2 of the LP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

The Site is located within the settlement boundary for Whitehaven as defined in Policy DS2 of the LP.

The Site is not allocated for residential development or for other purposes in the LP.

The principle of market led housing is supported subject to site specific matters.

A development of a single dwelling is of a scale that is appropriate to the Principal Town.

Settlement Character, Landscape Impact and Visual Impact

The Site comprises an area of unmade and sloped land, currently highly vegetated.

Policy DS4 of the Local Plan requires that proposals respond positively to a site and its surroundings, including maintaining established building lines and settlement patterns.

Furthermore, Policy H2 supports new housing within settlements where it is well-related to existing development.

The proposal is for the dwelling to be situated behind and in front of the established building form prevalent within the locality. As such the proposed dwelling is therefore not considered to be in keeping with the character or the built form in this locality.

The proposed site is outside the established building line of both North Road and South View Road and does not form a natural infill plot or constitute a rounding off the existing pattern of development.

Due to the location of the site within an existing residential garden, the proposal is considered to be a backland form of development which is resisted due to the adverse impacts on the existing dwellings.

Furthermore, the green space to the south of South View Road is currently considered to make an important contribution to the character and spatial structure of the area and any encroachment into this land would create an unacceptable local impact.

The site is located in an elevated position and is likely to be viewed from various public viewpoints within the surrounding area. The addition of a dwelling on this site is likely to result in harm to the character and appearance of the area creating a prominent and isolated feature.

As a result the encroachment into this open space is not considered to be acceptable.

Overall, it is considered that the proposal is contrary to Policies DS4 and H2 of the Copeland Local Plan and is therefore considered to be unacceptable.

Amenity

Given the relationship to the existing surrounding development, it is considered that a development of a single dwelling is likely to have an adverse impact upon the residential amenity of the surrounding dwellings through overlooking and overbearing/dominance. The elevation position of the proposed dwelling and facing elevations including habitable rooms affecting 23 and 24 South View Road and the rear of 26 North Road are likely to significantly worsen the amenity of the current and future occupiers.

On this basis, the proposal is considered to be unacceptable and does not comply with Policy DS4 of the Local Plan.

Flood Risk and Drainage

The Site is principally located in Flood Zone 1.

The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

The Site is not identified as being at risk from surface water flooding at present.

All built development, access arrangements and other vulnerable elements associated with a development of 1 no. dwelling could be accommodated on the land within Flood Zone 1.

Cumberland Council Lead Local Flood Authority and United Utilities have been consulted and



Cumberland Council

confirm that having regard to the matters to be considered at the Permission in Principle stage, the LLFA is satisfied that there is a reasonable prospect of delivering an appropriate surface water drainage strategy for the Site.

Based on the information available, there is no evidence to indicate that the Site is subject to such significant flood risk constraints that residential development would be unacceptable in principle. Furthermore, there are no apparent constraints to suggest that surface water arising from the development, and any areas of surface water flood risk could not be appropriately managed or discharged through a suitable drainage solution to be determined at the subsequent Technical Details Consent stage.

Ecology

Policies N1 and N3 of the Copeland Local Plan seek to protect and enhance the Borough's ecology.

The Council's Ecologist was consulted on the application and requested several pieces of information.

Habitat Regulation Assessment – Site is located outside of the Zone of Influence for the SPA therefore it is considered that this is not required.

The Site comprises an area of residential curtilage, which, whilst being highly vegetated, does not appear to be of high ecological interest.

The proposal would require Biodiversity Net Gain, however this would be dealt with at the Technical Details stage.

Whilst a Preliminary Ecological Appraisal will be required at the Technical Details stage, it is considered unlikely that this would prevent development of a dwelling on the site.

Highways

Cumberland Council – Highways have been consulted and confirm that having regard to the scale of development proposed and the matters to be considered at the Permission in Principle stage, the Highway Authority is satisfied that there is a reasonable prospect of achieving a safe and suitable means of access to the site for vehicles and pedestrians.

Based on the information submitted (with the caveat that the indicative layout has not been relied on or assessed in any technical capacity), there is no evidence to indicate that the proposed development would result in 'unacceptable highway safety impacts' or that the 'residual cumulative impacts on the road network would be severe'.

Received objection

	The issues raised in the objection received have been fully considered and dealt with within this report. The Planning Balance The application seeks Permission in Principle for the erection of a dwelling on an area of domestic curtilage within the defined settlement boundary of Distington, a Local Service Centre. The principle of the development, due to its location, land use, and the amount of development are unacceptable in this location. The adverse impacts identified are considered to outweigh the modest benefits. Planning Balance therefore weighs against the granting Permission in Principle	
8.	Recommendation: Refuse	
9.	Reasons for refusal: 1) Due to the siting of the development in a location that does not constitute either infill or rounding off, the proposal is considered to be out of character with the area having no respect for the existing built form and established building lines and is therefore contrary to Policies DS4 and H2 of the Copeland Local Plan 2021-2039. 2) The proposed site is in an elevated position and will be highly visible from public viewpoints both locally and within the surrounding area. The landscape impact will be unsatisfactory and is therefore considered contrary to Policies DS4 and H2 of the Copeland Local Plan 2021-2039. 3) The proposal is considered to be backland development creating unsatisfactory amenity issues for the surrounding properties due to overlooking, loss of privacy and overbearing/dominance. This is considered to be contrary to Policies DS4 and H2 of the Copeland Local Plan 2021-2039.	
Case Officer: Sarah Papaleo		Date : 30/07/2026
Authorising Officer: N.J. Hayhurst		Date : 03/08/2026
Dedicated responses to:- N/A		