

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2284/DOC	
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPROVAL 4/25/2262/0F1	
3.	Location:	ELF HALL, LADY HALL, MILLOM	
4.	Parish:	Millom Without	
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations &Policy	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to Elf Hall, which fronts onto Roanlands Brow located to the south west of Lady Hall. The site formally comprised of a four bedroom bungalow, which was in a poor state of repair, and a detached outbuilding located at the entrance to the site. Access to the site is from the highway to the front of the site. The site is located within open countryside and is sited within a large plot.	
	Relevant Planning History		
		4/25/2262/0F1 – Demolition of existing dwelling and outbuilding for self build & custom build	

replacement dwelling, detached garage and new package sewage treatment plant – Approved.

4/26/2243/0E1 – Lawful development certificate to confirm that a lawful start has been made to planning application 4/25/2262/0F1 – Demolition of existing dwelling and outbuilding for self build & custom build replacement dwelling, detached garage and new package sewage treatment plant – Approved.

Proposal

In October 2025, planning permission (ref: 4/25/2262/0F1) was granted for the demolition of the existing building and outbuilding for self build & custom build replacement dwelling, detached garage and new package sewage treatment plant.

This current application seeks to discharge condition 3 attached to planning approval 4/25/2262/0F1. This condition states that following:

3. Within 14 days of obtaining the required European Protect Species Mitigation (EPSM) Licence from Natural England, a copy of the approved Licence must be submitted to the Local Planning Authority. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within the approved Licence and retained thereafter.

Reason

To protect the ecological interests evident on the site in accordance with N1 and N3 of the Copeland Local Plan.

This information submitted to support this application comprises the following:

- Application Form, received by the Local Planning Authority on the 11th September 2026.
- Natural England Bat Licence, received by the Local Planning Authority on the 11th September 2026.

Consultation Responses

Natural England

Natural England currently has no comment to make on the discharge of condition 3.

Cumberland Council – Ecologist

Condition Wording

“Within 14 days of obtaining the required European Protect Species Mitigation (EPSM) Licence from Natural England, a copy of the approved Licence must be submitted to the Local Planning Authority. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within the approved



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Licence and retained thereafter.

Reason: To protect the ecological interests evident on the site in accordance with N1 and N3 of the Copeland Local Plan.”

Council Response

The County Ecologist confirms acceptance of the EPSM licence from Natural England but acknowledges that it was not received within the 14-day timescale as required by Condition 3. This is not considered to have a material impact on bats associated with the development and therefore Condition 3 can be discharged.

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 the 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

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Policy H18: Replacement Dwellings outside Settlement Boundaries

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2026)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Assessment

This application seeks to discharge condition 3 attached to planning approval 4/25/2262/0F1.

Condition 3 seeks to discharge the requirement for the development to provide a copy of the approved European Protect Species Mitigation (EPSM) Licence from Natural England. The condition required that approved licence must be submitted within 14 days of the document being obtained. Whilst this discharge of conditions application has not been submitted within



Cumberland Council

	the required timescale it is considered that the application can still be progressed as the protection of bats falls under separate legislation and the licence has previously been approved by Natural England. Based on a review of the information submitted the Council's Ecologist has confirmed that this condition can be discharged. Whilst it is noted that the information has not been submitted within the required timescale, the Ecologist has confirmed that this will not have a material impact on bats associated with the development. Natural England have offered no comments on this application. <u>Conclusion</u> It is therefore confirmed that condition 3 can be discharged of planning application 4/25/2262/0F1 can be discharged.	
8.	Recommendation: Approve discharge of condition 3.	
Case Officer: C. Burns		Date : 07.10.2026
Authorising Officer: N.J. Hayhurst		Date : 09.10.2026
Dedicated responses to:- N/A		