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Christie Burns
Senior Planning Officer
Development Management
Copeland Borough Council
The Market Hall
Market Place
Whitehaven
CA28 7JG

29 October 2026
EP ref: 26-357

Dear Ms Burns

Re:4/26/2242/001 Land off Dalzell Street, Moor Row, Egremont, CA24 3JS

Following the publication of the new National Planning Policy Framework (Framework) we have updated our planning case below which should be read in conjunction with the Emery Planning's Assessment of Copeland's Five Year Housing Land Supply dated October 2026.

The applicant proposes to increase the percentage of affordable housing from 10% to 15% which is over and above the policy requirement. This is assessed in the context of the new Framework below.

The new Framework

1. The revised Framework was published on 17 August 2026. It sets out the government's policies for plan-making and for making decisions on development proposals in England and how these are expected to be applied. The Government's Statement announcing the publication made clear the need to urgently boost housing delivery to address the housing crisis:

> "This government has acted with ambition and urgency to tackle the acute and entrenched housing crisis in England, including by means of a bold overhaul of the planning system…
>
> …the government is more focused than ever on building the homes our country needs and delivering good growth in every postcode"

2. In relation to the new policies, the Statement added:

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> "The new Framework sets out national planning policy in a clearer and more comprehensive manner and incorporates a number of substantive reforms designed to boost housing supply and unlock economic growth in the years ahead.
>
> The new decision-making policies in the Framework, which have been separated from those relating to plan-making, will:
>
> - make development management more certain, consistent and streamlined
> - standardise policies that apply across the whole of England
> - reduce duplication and avoid unjustified local deviation from national policy in local plans"

3. The following policies of the Framework are considered particularly relevant in the determination of this application:

   - S3: Presumption in Favour of Sustainable Development
   - S5: Principle of development outside settlements
   - HO7: Meeting the need for homes

4. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposal should be determined in accordance with the development plan unless material considerations are indicated otherwise. Paragraph 1 of the Framework states that "*It is a material consideration of* ***critical importance*** *in both contexts*".

Policy S3

5. Policy S3 of the Framework sets out the presumption in favour of sustainable development and states:

> "1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:
>
> a. Policy S4 in this Framework should be applied when considering development proposals within settlements;
>
> b. Outside settlements, policy S5 should be applied; and
>
> c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay."

6. The site is situated outside the settlement boundary and therefore Policy S5 applies in this case.

Policy S5

7. Policy S5 states that only certain forms of development should be approved outside settlements. In respect of development which should be approved outside settlements, Policy S5(1)(j)(i) provides the following exception:

> "j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test[27]), and where the development would:

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i. Be physically well-related to an existing settlement[28] (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;"

S5 (J) – evidenced unmet need

8. In terms of an evidenced unmet need for the development proposed The Council's 5YHLS position sets out that on 1st April 2026, the Council has a deliverable supply of 1,189 dwellings, which against the adopted housing requirement and a 20% buffer equates to 6.79 years.

9. However, we do not consider that all of the claimed supply is deliverable as it is not underpinned by clear evidence demonstrating that housing completions will begin on sites within 5 years. We conclude that 360 dwellings should be removed from the deliverable supply in relation to the following sites:

- Harras Dyke Farm
- Marchon
- Keekle Meadows, Cleator Moor
- Land to the north of School Brow, Moresby Parks, Whitehaven
- Flosh Meadows
- Land at Howbank Farm and the Former Orgill Infants School Site, Egremont
- Land at North Park, Rheda
- Abbey Road
- Field adjacent to Church Street, Cleator
- HSBC Bank, offices and premises at 69 Lowther Street, Whitehaven
- Arlecdon Parks Road, Arlecdon, Frizington
- Hensingham House, Egremont Road, Hensingham
- Land at Bank Yard Road, Parton
- Council Yard, Holborn Hill
- Land adjacent to School House, St Bees
- Rheda Cross, Rheda Park, Frizington
- Land at Asby Road, Asby
- Plot 5, Land south of Southrigg, Nethertown Road, St Bees
- Former Kings Armas, 25 Main Street, Hensingham

10. We therefore conclude that the deliverable supply in Copeland on 1st April 2026 is 829 dwellings. This equates to 4.74 years against the adopted housing requirement plus a 20% buffer, as shown in the following table:

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Table 1 – Copeland's 5YHLS at 1st April 2026 (Emery Calculated Supply)

	Requirement	Council	EP
A	Annual adopted housing requirement	146	146
B	Five year requirement	730	730
C	Buffer (20% of B)	146	146
D	Total five year requirement (B + C)	876	876
E	Annual housing requirement (D / 5 years)	175	175
	Supply		
F	Deliverable supply at 1st April 2025	1,189	829
G	Years supply (F / E)	**6.79**	4.74
H	Surplus/Shortfall against 5YHLS requirement	**313**	-47

11. Therefore, we conclude that the Council cannot demonstrate a five-year supply at 1st April 2026.

12. Policy S5(1)(j) is clear that an evidenced unmet need includes but is not limited to proposals involving the provision of housing where the local planning authority cannot demonstrate a five-year supply.

13. The application proposes the provision of 15% affordable housing, which is over and above the policy requirement.

14. The Local Plan states at paragraph 13.11. 8 as part of the explanatory text to Policy H8,that over the plan period 2021-2038 there is a net deficit of up to 99 affordable homes per annum in Copeland. This is based on the conclusions of the Strategic Housing Market Assessment 2021. Over the plan period this equates to a need of 1,683 new affordable homes (495 dwellings in the five year period).

15. Paragraph 13.11.19 of the explanatory test explains that the net deficit per annum is not an affordable housing target and that the amount of affordable housing delivered is limited to the amount that can viably be provided. It goes onto state that the evidence does however suggest that affordable housing delivery should be maximised where possible and Policy H8 sets out how this will be achieved.

16. The council's five-year housing land supply position as of 31st March 2026 includes only 66 affordable dwellings in the Council's five-year supply. Whilst we accept that the 99 affordable homes per annum is not a target, this is a very substantial shortfall of 429 affordable dwellings against the need over the five-year period.

17. The policy requirement for sites of 10 units for more, or sites of 5 units or more in the Whitehaven Rural sub-area is at least 10%. It is unlikely that the Council will meet its affordable housing need based on this requirement.

18. Copeland is now part of Cumberland. The Cumberland Housing Strategy 2025-2039 explains that as of February 2025, there were 11,233 households on the Cumbria Choice waiting list from the three legacy local

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authorities that merged to form Cumberland Housing. Table 5 of the document shows that 2,449 of these households were from Copeland.

19. The Cumberland Housing Strategy 2025 to 2039 refers to the Cumberland General Needs Housing Study prepared by Arc4 Ltd which forms part of the evidence base for the document and identifies a net annual shortall of 676 affordable homes across Cumberland, although this is not broken down by the three legacy authorities. There is a strong need for new affordable homes

20. An appeal decision was recently allowed in the Vale of White Horse with key issues discussed which are directly relevant to the application site (PINS ref: 6005809). The decision related to an appeal made by Nicholas King New Homes Limited against the decision of the Council to refuse to grant outline planning permission for up to 249 dwellings at Land to the North of Spring Hill, Kingston Bagpuize with Southmoor, was issued on 14th September 2026. The site in question is located outside of the settlement boundary. The Inspector found that the very marginal five year housing land supply position and the evidenced significant unmet need for affordable housing combine together to indicate that the scheme complies with 2026 Framework Policy S5(1)(j). Key paragraphs are 55-60 and 80. A copy of the appeal decision is enclosed with this letter.

S5 (J) (i) – well-related to an existing settlement

21. As set out in our planning statement, the site is identified on the adopted proposals map as being located adjacent to, but outside the defined settlement of Moor Row. Moor Row is identified as a Sustainable Rural Village which offers a limited number of services and could support a limited amount of growth to sustain communities.

22. The site is physically connected to the settlement by safe pedestrian routes through the housing development to the north. It is well-related to the settlement. In terms of scale, the application proposes up to 45 new dwellings, it comprises phase 2 of the existing development taking place for 65 dwellings. It is considered to be of a scale that can be accommodated in the context of Moor Row.

S5 (a) – the planning balance.

23. S5(2) of the Framework states:

> "In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances."

24. We hereby address the national decision-making policies which state that development proposals should be refused in specific circumstances:

- TC3 (4): Main town centre uses outside town centres – this policy is not relevant to the application.
- TR6 (4): Assessing transport impacts – the proposal would not have a severe adverse impact on the transport network as demonstrated through the submitted Transport Assessment.
- HC5 (1): Hot Food takeaways - this policy is not relevant to the application.
- L3 (4): Achieving appropriate densities – The proposed density is considered acceptable for the edge of settlement location.

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- DP3 (3): Key principles for well-designed places – the detailed design meets these objectives as set out in the DAS.
- N2 (2): Improving the natural environment – the development would not result in significant harm to biodiversity.
- N4 (2): Protected landscapes – the proposal does not comprise major development within a protected landscape.
- N6 (1) (a) and (2): Area of particular importance for biodiversity and geodiversity – there is no habitats site relevant to the application proposals nor would there be an impact on an irreplaceable habitat.
- HE6 (5): Proposals affecting designated heritage assets – The proposal would not cause substantial harm to a designated heritage asset.
- M5 (1) and (2): Development involving peat, coal or onshore oil and gas – the proposals do not relate to the extraction of peat or surface or underground coal workings.
- F6 (1) (a): Development in areas at risk of flooding from rivers or the sea – the site is in Flood Zone 1 and the application is supported by a comprehensive FRA which addresses flood risk.
- F7 (2): Ensuring development is safe from flooding – the application supported by a comprehensive Flood Risk Assessment which demonstrated that the proposed development would not be at risk of flooding and would not increase the risk of flooding elsewhere.
- F9 (1): Development in Coastal Change Management Areas – the site is not within a Coastal Change Management Area.

25. Therefore, there is no conflict with any of the national decision-making policies which state that development proposals should be refused in specific circumstances.

26. In the context of the test in S5(2), we address the benefits of the proposed development and any adverse impacts below, before returning to the planning balance.

Benefits of the proposed development

Delivery of market housing

27. The site would deliver 45 dwellings adjacent to a Sustainable Rural Village. The adjacent site has previously been assessed for housing development and been found to be a suitable location. In the context of the above, the delivery of new housing in a suitable location on land well related to a Sustainable Rural Village should be afforded **substantial positive weight**.

28. Policy HO7 of the Framework states:

> "In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence." (our emphasis)

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29. In this case, the Council cannot demonstrate a five-year housing land supply based on our assessment and there is also an evidenced need for affordable housing which provides a case-specific circumstance to support approval. The weight to be given to delivery of housing must be substantial.

30. The Government's statement announcing the 2026 Framework also made clear the need to urgently boost housing delivery to address the housing crisis:

> "This government has acted with ambition and urgency to tackle the acute and entrenched housing crisis in England, including by means of a bold overhaul of the planning system…
>
> …the government is more focused than ever on building the homes our country needs and delivering good growth in every postcode"

31. Therefore, the delivery of 45 dwellings is a benefit of substantial positive weight.

Affordable housing

32. The proposal would deliver 15% affordable housing which is in excess of the policy requirement of 10%.

33. The provision of much-needed affordable homes should be afforded substantial positive weight in the determination of this application. Such homes will meet the real needs of real people in urgent need for adequate housing now. **Substantial positive weight** is attached to this benefit.

Additional Benefits

34. As set out in our planning statement the additional benefits that would flow from the proposals are as follows:

- Economic benefits in in the form of direct and indirect employment opportunities during construction and throughout the lifetime of the development through increased household spending in the local area. the economic benefits of the proposed development should attract **moderate positive weight** in the planning balance.
- On-site open space and green infrastructure which would benefit both new and existing residents. **Moderate positive weight** is attached to this benefit.
- Delivery of a measurable 10% biodiversity net gain. This benefit should be afforded **moderate positive weight.**

Adverse impacts of the proposed development

35. Against this range of substantial benefits is the loss of a greenfield site, and the associated conflict with development in the open countryside which we consider the 'real-world' harm arising to be limited.

Conclusion

36. With regard to the decision making context in the Framework, the proposal accords with Policy S5(j) of the Framework as there is an evidenced unmet need due to the 4.74 year supply and the need for affordable housing, it is physically well-related to the existing settlement of Moor Row and of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

37. With regard to Policy S2(2), the adverse impacts do not come close to substantially outweighing the substantial benefits of the proposed development. Furthermore, there is no conflict with any of the national

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decision-making policies which state that development proposals should be refused in specific circumstances. As such, the proposed development complies with Policy S5 of the Framework, and the presumption in favour of sustainable development as set out in Policy S3 is engaged.

Yours sincerely
Emery Planning

Caroline Payne BA (Hons), DIP TP, MRTPI, PISEP
Joint Managing Director

[redacted]

Enc: Appeal decision : 6005809