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Report from the Head of Development Management to Development Control Committee

Application number: 7/2026/4056
Application type: Full Planning application
Applicant: Mr R Irving
Location: Land to rear of Fairfield, Randlehow, Eskdale Green, CA19 1UA
Grid reference: 314091, 500102
Proposal: Erection of 2 local occupancy dwellings
Report prepared by: Kelsey Blain, Area Planner
Report agreed by: Kevin Richards, Planning Manager

Recommendation: APPROVE with conditions

1 About this report

1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.

1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).

1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2 Background and proposals

2.1 This application is before Committee as the recommendation to approve with conditions is contrary to the objections of more than five households.

2.2 The application site consists of an undeveloped piece of land to the rear of dwellings along Randlehow and Smithy Brow Lane, on the eastern fringe of the village of Eskdale Green. A gravel track runs through the site and carries public footpath 408023 and provides access to the United Utilities Waste Water Treatment Facility.

2.3 Outline planning permission for the erection of 3 no. one-bedroom dwellings was granted on appeal in March 2022 (7/2020/4077) with all matters reserved. Three associated reserved matters applications were submitted, with one withdrawn (7/2023/4035) and two refused (7/2024/4029 and 7/2024/4097) due to the number of dwellings proposed, obstruction of the PROW and design of the proposed dwellings.

2.4 The most recent of these applications (7/2024/4097) was refused by Development Control Committee in June 2025 and a subsequent appeal was dismissed.

2.5 The outline planning permission has now expired and this application seeks full planning permission for the erection of 2 no. local occupancy dwellings.

3 Representations

3.1 Eskdale Parish Council: Comments.

- The provision of two local occupancy homes is welcomed.
- The Parish Council are concerned the Local Occupancy condition, among other conditions, will not be complied with.
- Recognise that land ownership is a civil matter but raise concerns that not all land owners were correctly notified of the application.
- Consideration should be given to the Eskdale Housing Needs Survey.
- Impact on neighbouring properties, United Utilities facilities, and public footpath.

3.2 Local Highway Authority / Lead Local Flood Authority: Advise that as this application falls under the Service Level Agreement between them and the LDNPA then this application does not need to be submitted to them; subject to the highway and drainage aspects of the application being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

3.3 Environmental Health: No objections. Comments.

- The two dwellings would be sited close to the existing waste water treatment works. This team has no complaints from residents about odour etc on record. Given the close distance to the works, if odour

problems were to be experienced in the future, redress for residents may be sought from the statutory nuisance provisions of the Environmental Protection Act 1990. United Utilities, as the owners and operators of the WWTW, would potentially be liable for any nuisance caused by their facility.

- A condition controlling external lighting is recommended.
- If the development were to be approved, some temporary annoyance to local amenity will also be likely from the construction works. A Construction Environmental Management Plan may help to alleviate this, as well as the imposition of construction working hours.

3.4 United Utilities: Comments.

- 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. A detailed drainage plan is requested prior to determination.
- Where SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice.
- The applicant must comply with the easement that crosses the application site.
- Public sewers cross the site and we will not allow building over them. We require an access strip for maintenance or replacement of each sewer and this access must not be compromised in any way. We recommend the applicant contacts our Developer Services team to ensure existing wastewater assets, along with our required access widths, can be accommodated in the proposed layout.
- All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day (l/p/d) as set out in Building Regulations Approved Document G.

3.5 Senior Rights of Way Officer: Comments.

- Pleased to see the proposals are completely separated from the public footpath.
- No concerns about resurfacing the right of way with tarmac.
- Consideration should be given to the amenity of users of the footpath resulting from a change in outlook from the right of way.
- Details of how to apply for a temporary closure of the right of way have been provided.

3.6 We have received 7 representations of support which can be summarised as follows:

- Support the provision of local occupancy housing which would benefit the local community.
- The design of the development is attractive, appropriate, and reflects the local character, using vernacular materials. Provision of off-road parking, storage space, high insulation and glazing, and EV charging is a positive.
- The proposals are well located within an infill plot, using an existing access while being largely screened from Smithybrow Lane and Randlehow. The public footpath is well considered and established trees are protected.
- No impact on privacy, light or outlook of neighbouring dwelling Fairfield.

3.7 We received 17 objections which can be summarised as follows:

- Not in keeping with the local area.
- Impact on amenity during construction phase.
- The scale of the development is too large for this small plot.
- Impact on neighbour amenity. Proposals are now located closer to Moor Head and Rowangarth.
- Loss of greenspace. Urbanisation of an undeveloped plot of land and failure to reflect the form of the settlement.

- Highway safety concerns, particularly due to steep access with limited visibility. Intensification of use of the existing access. Swept paths should be provided. Refuse vehicles will not be able to access the site.
- Local occupancy housing would not necessarily meet the local housing need identified within the Eskdale Housing Needs Survey.
- Concerns that planning conditions will not be complied with.
- Insufficient tree protection measures and arboricultural report is no longer valid.
- Foul sewage arrangements must be agreed with United Utilities. The treatment works would impact the amenity of future users.
- Unacceptable impacts on the amenity of users of the public right of way.
- Surface water drainage.
- Wider landscape views.
- Renewable energy.
- Significant excavations and engineering works required.
- Not overcome previous reasons for refusal.

4 Development plan policies and other relevant guidance

4.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:

- Policy 01: National and international significance of the Lake District
- Policy 02: Spatial strategy
- Policy 03: Development and flooding
- Policy 04: Biodiversity and geodiversity
- Policy 05: Protecting the spectacular landscape
- Policy 06: Design and development
- Policy 07: Historic environment

- Policy 15: Housing
- Policy 20: Renewable and low carbon energy

- Design Code Supplementary Planning Document
- Housing Supplementary Planning Document
- Lake District National Park Landscape Character Assessment and Guidelines

4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Development plan policies materially inconsistent with NPPF policies should be given very little weight. The following NPPF decision-making policies are relevant to the determination of this application:

- DM3: Determining development proposals
- DM6: Use of planning conditions and obligations
- DM7: Relationship with other regulatory regimes
- S3: Presumption in favour of sustainable development
- S4: Principle of development within settlements
- CC2: Mitigation of climate change
- HO7: Meeting the need for homes
- L3: Achieving appropriate densities
- DP3: Key principles for well-designed places
- TR3: Locating development in sustainable locations
- TR4: Street design, access and parking
- TR8: Public rights of way
- P3: Living conditions and pollution
- P4: Impact of development on existing activities
- F8: Sustainable drainage systems and watercourses
- N3: Trees in new development
- N4: Protected Landscapes
- HE8: World Heritage Sites

4.4 There is no community plan in this area.

5 Main issues and assessment

5.1 The main issues in this assessment are:

- Principle
- Character and appearance of the area
- Amenity
- Highways and access
- Impact on trees
- Other matters

Principle

5.2 The principle of constructing three local occupancy dwellings in this location has been established by the granting, on appeal, of outline planning permission under application 7/2020/4077. In determining the appeal, the Inspector concluded that “the proposed development would provide a suitable location for housing, with particular regard to its effect on the character and appearance of the area”. While this permission has now expired, the Inspector’s decision is still a material planning consideration in the determination of this application.

5.3 A new National Planning Policy Framework has been published since the determination of the original outline application.

5.4 Policy S4 states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

5.5 Policy H07 requires substantial weight to 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.

5.6 The application site is located within Eskdale Green, a named village under Local Plan Policy 02, which states that within such settlements development will be required to relate well to the form of the settlement and existing buildings within the settlement, make efficient use of land, and protect, maintain or enhance the local distinctiveness, character, and landscape setting of the settlement.

5.7 Policy 15 supports new permanent homes that contribute towards helping communities remain vibrant and resilient; and achieve a better balance in the housing market; and are secured in perpetuity for permanent occupation with eligibility restricted to a geography that is tailored to local circumstances.

5.8 The most recent information on housing need within this area is contained within the Cumberland Council General Housing Needs Study 2024. This assessment concludes that the greatest need in the Lake District National Park West sub-area is for three bedroom dwellings (25-30%) with only a 5-10% need for one bedroom dwellings.

5.9 The siting of 2 no. three bedroom local occupancy dwellings in this location gains strong in principle support from NPPF Policies S4 and H07, which we are required to place substantial weight on. As highlighted within the Planning Inspectorate's determination of 7/2020/4077, the site is positioned in close proximity to the existing built form of the settlement and would be experienced in the context of the existing adjacent houses. As such, the proposals comply with the spatial strategy set out in Policy 02, and are acceptable in principle subject to the inclusion of a local occupancy condition as required by Policy 15.

5.10 Both NPPF Policy L3 and Local Plan Policy 02 require the efficient use of land. Outline planning permission has previously been granted for 3 no. one bedroom dwellings on this site, however the current scheme now proposes 2 no. three bedroom dwellings.

5.11 As noted above, the latest housing need figures for the area now show that the greatest need is for three-bedroom, rather than one-bedroom dwellings. This has required an increase in the footprint of the dwellings to meet the identified local housing need. Furthermore, in refusing application 7/2024/4097, the Authority highlighted the use of integral garages as an incongruous element of the design which failed to reflect the character and appearance of the area. In addressing the previous reason for refusal, this application has amended the design to now propose garages to the side of each dwelling, rather than being integrated within them, but this has again increased the individual plot sizes for each dwelling. As such, in order to meet the up-to-date local housing need, and address the previous reason for refusal, it has no longer been possible to accommodate three dwellings on the site. I am therefore satisfied that the proposals represent an efficient use of land.

Character and appearance of the area

5.12 The proposed development is within the Lake District National Park and English Lake District World Heritage Site. The importance of the National Park landscape is established through statute and legal duty, Local Plan policy and national planning policy as a material consideration. NPPF Policy N4 places substantial weight on the importance of conserving and enhancing the natural beauty, wildlife and cultural heritage in National Parks. Policy HE6 places substantial weight on the conservation of designated heritage assets, of which World Heritage Sites are recognised as being of the highest significance. HE8 states that proposals that affect a World Heritage Site should be designed in a way which pays particular regard to the significance and Outstanding Universal Value of the World Heritage

Site; retain and conserve buildings and other features which make a positive contribution to the significance and OUV of the WHS where possible; have regard to the WHS management plan; and be supported by an assessment of the impact on the significance and attributes of OUV of the WHS.

5.13 The Partnership Plan 2026-2031 is the English Lake District World Heritage Site's Management Plan. Objective E within the plan is to "Help rural communities to be sustainable and vibrant by increasing the supply and mix of affordable and occupancy-restricted homes and controlling the proportion of houses used for second homes and short-term holiday letting."

5.14 Local Plan Policies 01 and 05 seek to ensure that the extraordinary harmony and beauty of the Lake District landscape and its special qualities are conserved and enhanced. All development proposals are required to protect or enhance the authenticity, integrity and significance of the Lake District. This will be achieved by supporting development that ensures the highest level of protection is given to the landscape, and where the type, design, scale and level of activity maintains local distinctiveness, sense of place, and where appropriate, tranquillity. Decisions will be guided by the Lake District Landscape Character Assessment (LCA) and the World Heritage Site Nomination Document. Distinctive buildings and settlement character are noted as special qualities of the National Park.

5.15 The applications site lies within Area 44: Eskdale, Type H: Upland Valley as identified within the LCA. Settlement patterns within this area generally consist of hamlets and tight-knit small and medium settlements with a range of architectural types. Traditional stone and slate buildings are a distinctive part of the landscape fabric. Within Eskdale in particular it is noted that vernacular rough granite buildings rub shoulders with larger, grander houses built in dressed stone.

5.16 The variety of architectural styles and finishes within the area is evident within Eskdale Green where properties are generally two stories with local slate roofs but are finished in a mixture of stone and roughcast render. The dwellings adjacent to the application site, particularly along Randlehow are predominantly finished in roughcast render below a slate roof.

5.17 Policy 06, in conjunction with the Lake District Design Code SPD, seeks design excellence in all development, which is to be inspired by and contribute to local distinctiveness. Development is required to reinforce the importance of local character by having regard to scale, height, density, layout, appearance and materials. NPPF Policy DP3 sets design principles for development. It states that, among other things, development proposals should be refused if, without clear justification, they conflict with any explicit design standards set out in the development plan (including those in locally-specific policies and codes). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

5.18 Chapter 2 of the Design Code SPD provides specific guidance on the design and form of new homes, which must be informed by an understanding of the site context and be rooted in local character. The Design Code recognises that some of the common characteristics of vernacular architecture within the Lake District are:

- The use of local building materials including slatestone and roughcast render.
- The positioning of buildings low in the landscape with a height of one or two storeys.
- Traditional slate roofs are ubiquitous and are a significant part of the character of the region.

- Window locations are dictated by internal layout and not necessarily symmetrical. Windows are generally small with deep reveals and stone mullions.
- Chimneys are a prominent feature.

Door designs vary considerably but generally feature a prominent lintel and stone jambs.

- Openings in walls are well spaced and kept to a necessary minimum.

5.19 It is proposed to construct 2 no. detached two storey dwellings in the north-west corner of the site. The dwellings would be built into the topography of the site, which rises steeply to the north, resulting in the development appearing as single storey from the north, but two storeys from the public right of way to the south.

5.20 The design of the development has been informed by the previous reason for refusal and discussions with the Authority. It comprises predominantly white roughcast rendered walls below a local slate roof. Local stone would be used on the detached garage serving Dwelling 2. The south elevations have a traditional, symmetrical appearance incorporating gabled porches, chimney stacks and appropriately proportioned multi-paned windows set within cast stone lintels, cills and jambs, with surrounds coloured to match local red sandstone.

5.21 The proposals have removed those elements identified as unacceptable within the reason for the refusal of application 7/2024/4097, in particular the floor to ceiling windows and modern doors in the buildings' north elevations and the first floor balconies and garage doors in the south elevations.

5.22 The development's south elevation would be highly visible in close range views from the adjacent public right of way, but the design, scale and materials proposed are considered to comply with the principles

set out within the Design Code SPD and reinforce local distinctiveness. I consider it reasonable to include a condition restricting the installation of external lighting to protect the character and appearance of the area and to protect neighbour amenity.

5.23 The reduction in the levels of glazing, reduction in the scale of the development, and more traditional design approach is considered to have overcome the previous reasons for refusal.

5.24 I am satisfied that the proposed development is acceptable in relation to its impact on the character and appearance of the area and satisfies the requirements of Local Plan Policies 01, 02, 05, 06 and 07, the Lake District Design Code SPD and the NPPF.

Amenity

5.25 NPPF Policy P3 states that development proposals should provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other source of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions.

5.26 Development proposals should also not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree.

5.27 It is stated that in applying this policy, it should be assumed, unless there is clear evidence to the contrary, that separate regulatory

regimes for the control of pollution will operate effectively, as set out in policy DM7.

5.28 Policy 06 requires development to not have an unacceptable impact on the amenity of adjoining residents and users of the proposed development. The Lake District Design Code SPD provides measurements to ensure that acceptable levels of light, aspect and privacy are maintained between properties.

5.29 The closest neighbouring dwellings sit on elevated land to the north of the site. As the proposals would be built into the topography of the site, the ridge of the development would sit well below the first floor windows of the closest neighbouring dwelling Moor Head. The degree of separation between the development and neighbouring dwellings, and distance between windows, would comply with the guidelines set out within the Design Code SPD and the level of fenestration within the north elevation has been kept to a minimum, with none of these windows serving a main room.

5.30 Concerns have been raised about the inclusion of chimneys within the proposed design and the potential for smoke to enter neighbouring properties, however it is noted that chimneys are a vernacular feature and present on many dwellings within the surrounding area. The proposals are well related to existing dwellings and I am satisfied that the levels of noise and activity associated with the occupancy of two permanent dwellings would be appropriate within this context and not result in unacceptable levels of noise beyond what is currently experienced. I am therefore satisfied that the proposals would not have an unacceptable impact on neighbour amenity due to overlooking, overbearing effect, overshadowing, or other adverse effects.

5.31 The proposals would be located in close proximity to the PROW with the south elevation fronting onto the footpath. The development would not encroach onto the PROW which would be required to be kept free

of obstruction at all times. The construction of two dwellings in this location would alter the outlook from the PROW, however this was considered by the Inspector and found to be acceptable under application 7/2020/4077. Stone boundary walls with a height of 1.2 metres are proposed along the edge of the PROW but the site would remain open to the south. I am satisfied that the proposed boundary treatments are appropriate to secure an acceptable level of amenity for future occupiers without creating an overbearing or enclosing effect on the adjacent PROW. For the reasons outlined above, it is not considered that views of the development from the PROW would detract from the character and appearance of the area or the visual amenity of users of the PROW.

5.32 Concerns have been raised about the method of construction for the proposed development. Given the site specific constraints, in particular the steep nature of the site, access along a PROW and proximity to neighbouring dwellings, I consider it reasonable to require the submission of a construction method statement prior to the commencement of development.

5.33 I am satisfied that each dwelling would be served by an appropriate level of outdoor amenity space and that the layout and fenestration within the development would provide appropriate levels of natural light without resulting in overlooking. Environmental Health have confirmed that they have no objections and that there is no record of residents complaining about odour etc. from the nearby treatment works.

5.34 I am satisfied that an acceptable standard of amenity would be secured for users of the proposed and neighbouring dwellings, and that the development satisfies the requirements of Local Plan Policy 06, the Lake District Design Code SPD and the NPPF.

Highways and access

5.35 NPPF Policy TR3 seeks to locate development proposals within sustainable locations, making the most of existing transport infrastructure and ensuring any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety are mitigated to an acceptable degree.

5.36 The development would utilise the existing access to the west of Randlehow, a private road to the south of Smithybrow Lane, the main highway running through Eskdale Green. PROW FP 408023 runs along the existing track, which is also provides vehicular access to the United Utilities Waste Water Treatment facility. The location of the development within a settlement is considered to be a sustainable location and the proposals would utilise existing transport infrastructure.

5.37 Several objections have raised concerns about the acceptability of the access in relation to highway safety due to its steep gradient and concerns about visibility.

5.38 In determining application 7/2020/4077, the Inspector concluded that given the number of houses proposed (three) they did not expect a significant increase in vehicle movements along the existing access track and were satisfied that any adverse effects from the construction period would be short-term and could be mitigated by careful construction management. Only two dwellings are now proposed and I agree that the modest increase in vehicle movements associated with the development is unlikely to amount to significant adverse impacts on the transport network, particularly as the proposals would utilise an existing access. The Local Highway Authority did not raise highway safety concerns within their consultation responses to the previous applications and I am satisfied that the site specifics mean vehicles will

not be travelling at speed when entering and leaving the site, further reducing the risk of significant adverse impacts on highway safety.

5.39 NPPF Policy TR4 states that transport consideration should be integral to the design of development. To achieve this, developments should, among other things, allow for the efficient delivery of goods, and ease of access by service and emergency vehicles, in ways which do not compromise key place-making principles (set out in policy DP3(2)). Proposals should also provide a suitable number of parking spaces and allow for the charging of electric vehicles in safe, accessible and convenient locations.

5.40 As highlighted above, the design of the development complies with the requirements of policy DP3, in particular creating a visually attractive and characterful development which maintains a strong sense of place. The built form reflects the existing pattern of buildings with good connection to the wider settlement. Two turning areas have been included within the proposed site plan, but it is acknowledged that refuse collection will likely be required to take place from the top of Randlehow, rather than within the site itself. This is not an unusual arrangement within the National Park, particularly where dwellings are located down unadopted roads. Furthermore, United Utilities have previously advised that large vehicles are capable of utilising the existing right of way when accessing the wastewater treatment works. The resurfacing of the track in tarmac and provision of a dedicated turning area is only likely to improve this situation. I am therefore satisfied that the development meets the requirements of TR4.

5.41 Each dwelling would be served by at least two off-street parking spaces with EV charging provided within the respective garages. The proposals therefore satisfy the Cumbria County Council Development Design Guide recommendations and the requirements of Policy TR4.

5.42 The proposals would protect the public right of in accordance with the requirements of NPPF Policy TR8 and an informative is recommended to ensure it is kept free of obstruction at all times.

5.43 I am therefore satisfied that the proposed development is acceptable in relation to highway safety and satisfies the requirements of the NPPF.

Impact on trees

5.44 A mature Category B Sycamore tree is located in the north-east corner of the site and is protected by Tree Preservation Order 422. Objections have also raised concerns about impacts on Tree 03, a Category B Lime tree located on land outside the application site.

5.45 NPPF Policy N3 states that development proposals should make provision for the long-term maintenance of both existing and newly-planted trees which form part of the development.

5.46 An arboricultural impact assessment and method statement have been submitted in support of this application. It is noted that the reports are now beyond their valid period, having been originally written in 2023, however as no built development is proposed within the RPA of trees, and the proposed site plan was updated this year to include appropriate ground protection measures, I am satisfied that we have sufficient information to determine that the proposals would not have an unacceptable impact on trees within and adjacent to the application site.

5.47 No built development is proposed within the root protection area of trees, and no tree felling is proposed to facilitate the development. Appropriate tree protection measures, including hand digging and ground protection measures, have been proposed to protect the trees on site. The Trees and Woodland Officer has previously concluded that such measures are sufficient, and I am satisfied that subject to

compliance with the proposed tree protection measures being conditioned, the proposed development would not have an unacceptable impact on trees. A condition is also recommended to require landscaping details, including any proposed tree planting. The proposals therefore satisfy the requirements of the NPPF.

Other matters

5.48 Concerns have been raised about the increase in hardstanding on this previously undeveloped site and the impacts this may have on surface water drainage, as well as the capacity of the mains sewer to receive additional foul drainage.

5.49 The proposed site plan demonstrates that foul and surface water will be drained on separate systems, with surface water collected and drained to a soakaway within the site and foul water connected to the existing wastewater sewers. This is in accordance with the drainage hierarchy and requirements of NPPF Policy F8, provided the maintenance arrangements of the proposed system are secured by condition.

5.50 It is the developer's responsibility to ensure that their proposals would not impact upon United Utilities' assets and I have recommended an informative advising that the applicant must contact United Utilities Developer Services team prior to commencing any works on site to discuss impacts on the public sewer.

5.51 Concerns have been raised that the correct procedure has not been followed in notifying landowners of the application. Certificate B of the application form has been completed, stating that the landowner was notified of the application for planning permission prior to its submission. The concerns have been raised by a third party and we have received no such concerns from anyone who claims to be an

owner of the land. I have no specific information to suggest that the application form has not been made correctly.

6 Conditions

6.1 I have attached the standard time and plans conditions for the avoidance of doubt. The standard local occupancy condition is included to secure the occupation of the dwellings in accordance with Policy 15. The submission and approval of a construction method statement is conditioned in the interest of neighbour amenity, and the installation of tree protection measures is conditioned to minimise the risk to retained trees.

6.2 A management and maintenance plan for the proposed surface water drainage scheme is conditioned to secure the sustainable management of surface water for the lifetime of the development. The proposed renewable energy measures are conditioned to comply with Policy 20. Permitted development rights are removed to safeguard the appearance of the development and neighbour amenity.

6.3 The submission of further details relating to the appearance of the development, a landscaping scheme, use of local slate and finish of the rendered walls are conditioned to further safeguard the character and appearance of the development. The installation of nest boxes is conditioned to comply with NPPF Policy N2.

7 Conclusion

7.1 Having regard to the provisions of the development plan, in particular Lake District National Park Local Plan Policies 01, 02, 03, 04, 05, 06, 07, 15 and 20, the Design Code SPD and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable subject to the conditions recommended.

Recommendation: APPROVE with conditions

Conditions/Reasons

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details received by the Local Planning Authority:

- Planning and Heritage Statement
- Application Form
- Drawing no. ADAL287/00-01 - Location Plan
- Drawing no. ADAL287/10-02 A - Proposed Site Plan
- Drawing no. ADAL287/10-01 - Proposed Block Plan
- Drawing no. ADAL287/12-01 - Proposed Elevations Dwelling 1
- Drawing no. ADAL287/12-02 - Proposed Elevations Dwelling 2 (North and South)
- Drawing no. ADAL287/12-03 - Proposed Elevations Dwelling 2 (East and West)
- Drawing no. ADAL287/12-11 - Proposed Street Scene Elevations
- Drawing no. ADAL287/12-12 - Proposed Street Scene Elevations (additional)
- Drawing no. ADAL287/10-11 - Proposed Floor Plans Dwelling 1
- Drawing no. ADAL287/10-12 - Proposed Floor Plans Dwelling 2

REASON: For the avoidance of doubt.

3 The dwellinghouses hereby permitted shall not be occupied otherwise than by a Person with a Local Connection as his or her Only or Principal Home, or the widow or widower of such a person, and any dependents of such a person living with him or her.

The Occupants will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who immediately prior to occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week; or

(2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

(3) The person has been continuously resident in the locality defined for at least three years immediately prior to:
a) Needing another dwelling resulting from changes to their household, (including circumstances such as getting married/divorced, having children, or downsizing)
b) Undertaking full-time post-secondary education or skills training and is returning to the locality defined within 12 months of its completion, or

c) being admitted to hospital, residential care or sentenced to prison, and are returning to the locality defined within 12 months of their discharge/release, or

(4) The person is a former resident who lived in the Locality defined for at least three years and then lived outside the Locality defined for social and/or economic reasons and is returning to live in the Locality defined within three years of the date of their departure, or

(5) The person is a person who –
a) Is serving in the regular forces or who has served in the regular forces within five years prior to occupation;
b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where -
i. The spouse or civil partner has served in the regular forces; and
ii. Their death was attributable (wholly or partly) to that service; or
c) Is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service

'Locality' shall mean the administrative areas of the Parishes of: Bootle; Ennerdale and Kinniside; Eskdale; Irton with Santon; Muncaster; Ulpha; Waberthwaite; Wasdale; and those parts of the Parishes of: Drigg and Carleton; Gosforth; Lamplugh; Millom Without; Ponsonby; and Whicham; which are situated within the Lake District National Park.

An 'Only or Principal Home' is a dwellinghouse which is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a second home or for holiday letting accommodation.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or any receiver appointed by such a

mortgagee, or any person deriving title through such a mortgagee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

REASON: To ensure that the resulting accommodation is occupied by persons with a defined local need in order to comply with Lake District National Park Local Plan Policy 15 and the accompanying Housing Supplementary Planning Document. The provisions relating to armed forces personnel are applied having regard to the Armed Forces Covenant (and the objective to ensure no disadvantage to those in, or who have been discharged from, the armed forces) as a material planning consideration.

4 No development shall take place, including any works of demolition or excavation, until a construction method statement has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter works shall take place in accordance with the approved details.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- timing of works and hours of construction.

REASON: In order to minimise the risk of pollution or disturbance a construction method statement needs to be agreed before work starts on site. This is in accordance with Policy 06 of the Lake District National Park Local Plan 2020-2035 and the provisions of the National Planning Policy Framework.

5 Prior to the commencement of the development hereby permitted, tree protection measures shall be put in place in accordance with the approved details, as shown on the Tree Protection Plan (28/03/2023), Drawing no. ADAL287/10-02 Rev A, and detailed within the Arboricultural Impact Assessment and Arboricultural Method Statement.

Notwithstanding the approved details, the tree protection barrier sited on PROW FP 408023, in front of the Treatment Works, will be demountable and a gap left at all times for pedestrian access.

Prior to the commencement of the development the type of ground protection and method of installation that will be used within the RPA of T1 of TPO:422, along with the location of all new services, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be completed in accordance with the approved details. All tree protection measures shall be retained for the duration of the works. 5 days' notice shall be given to the Local Planning Authority when tree protection measures are in situ, prior to commencement of works.

REASON: To minimise the risk of damage to nearby trees, protection measures need to be in place before work starts on site and maintained during the construction period in accordance with Policies 04, 05 and 06 of the Lake District National Park Local Plan 2020-2035.

6 Prior to the first use or occupation of the development hereby permitted, surface water drainage works shall be implemented in accordance with Drawing no. ADAL287/10-02 A (Proposed Site Plan) and a management and maintenance plan for the drainage works will will have first been submitted to and approved in writing by the Local Planning Authority.

The management and maintenance plan shall include arrangements for ongoing maintenance of the drainage system over the lifetime of the development.

REASON: To secure the sustainable management of surface water runoff in accordance with Policy 03 of the Lake District National Park Local Plan 2020-2035 and the National Planning Policy Framework.

7 Prior to the first use of the development hereby permitted, the approved solar panels with respect to the provision of renewable/low carbon energy shall be implemented and retained as operational thereafter.

REASON: In the interests of increasing the proportion of energy generated through renewable and low carbon sources in accordance with Policy 20 of the Lake District National Park Local Plan 2020-2035.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no material external alterations or extensions shall be carried out to the dwellinghouse, nor shall any building, enclosure, structure, domestic fuel oil container, pool or hardstanding be constructed within the curtilage of the dwellinghouse, without application to, and the grant of permission by, the Local Planning Authority.

REASON: The Local Planning Authority considers that such development should be subject to formal control in order to protect the

character and appearance of the area, and the amenity of neighbouring dwellings and users of PROW FP 408023, in accordance with the requirements of Policy 06 of the Lake District National Park Local Plan 2020-2035.

9 Prior to their installation into the development hereby permitted, details of the following shall be submitted to the Local Planning Authority for approval:
i) Details of the proposed window and door profiles, including method of opening.
ii) Details of the proposed finish to the external steps and any associated hand rail, including material and colour.
ii) Details of all external lighting including location, design and lumens.
iv) A sample panel of stonework to be used on all external walls within the approved development.

Thereafter the development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the development and its surroundings in accordance with Policies 01, 05 and 06 of the Lake District National Park Local Plan 2020-2035 and the provisions of the National Planning Policy Framework.

10 Not later than 12 months from the substantial completion of the development, landscaping of the site shall be undertaken in accordance with the details shown on Drawing no. ADAL287/10-02 A - Proposed Site Plan. Details of the soft landscaping and finish of the hardsurfacing shall first have been submitted to and approved in writing by the Local Planning Authority.

Any trees or plants which, within a period of five years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and

species unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard the visual amenities of the area in accordance with Policies 05 and 06 of the Lake District National Park Local Plan 2020-2035.

11 The roof of the building hereby permitted shall be covered and maintained in local slates which have been mined or quarried in Cumbria. Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policies 01 and 06 of the Lake District National Park Local Plan 2020-2035.

12 The rendered external walls of the building hereby granted permission shall be completed with a finish of white painted roughcast in which the final coat contains a preparation of fairly coarse aggregate thrown on as a wet mix and left rough.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development in accordance with the provisions of Policies 05 and 06 of the Lake District National Park Local Plan 2020-2035.

13 A minimum of 6 integrated nest boxes shall be incorporated within the external walls of the development hereby approved no later than 3 months from the first use of the development and shall be retained thereafter. Where integrated nest boxes are not practical due to the nature of construction, alternative designs of suitable nest boxes should be provided in their place in accordance with details submitted to and approved by the Local Planning Authority.

REASON: To enhance the biodiversity of the site and support priority species in accordance with Policy 04 (Biodiversity and geodiversity) of the Lake District National Park Local Plan 2020-2035 and Policy N2 (Improving the natural environment) of the National Planning Policy Framework August 2026.

NPPF decision notice requirements

The public footpath No. 408023 that passes through the site, should remain unobstructed at all times for the safe and free passage of pedestrians. Informative

Integrated nest boxes (sometimes known as Swift bricks) can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting nest boxes above windows or doors. Where integrated nest boxes are not practical due to the nature of construction, alternative designs of suitable nest boxes should be provided in their place. Prior to commencing any works on site, including trial holes, groundworks or demolition, the applicant or any subsequent developer should contact United Utilities Developer Services team to discuss the proposals in relation to United Utilities' wastewater asset(s).

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority did not identify problems arising in relation to dealing with the application.

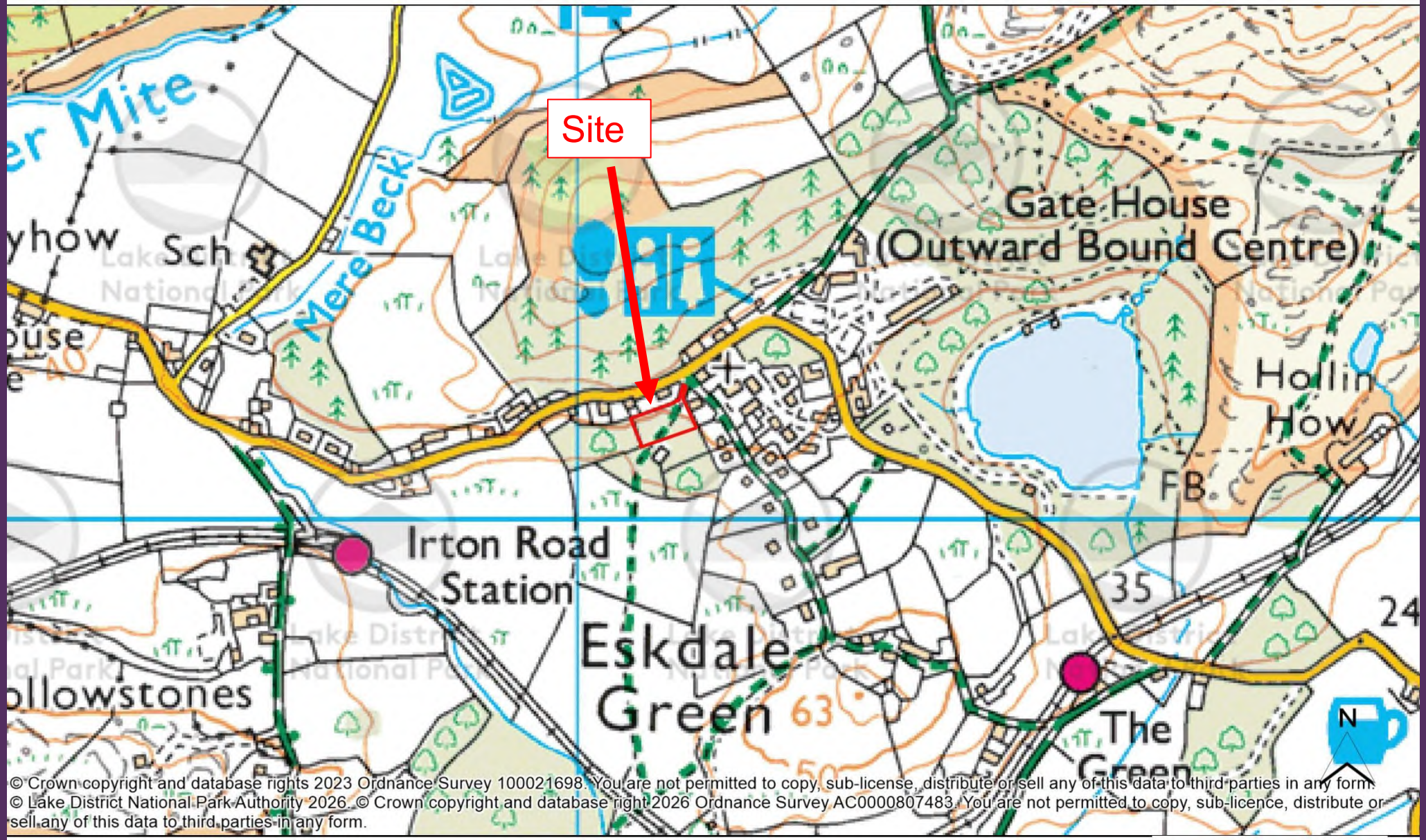
Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2026/4056

Land to rear of Fairfield, Randlehow, Eskdale Green

Erection of 2 local occupancy dwellings



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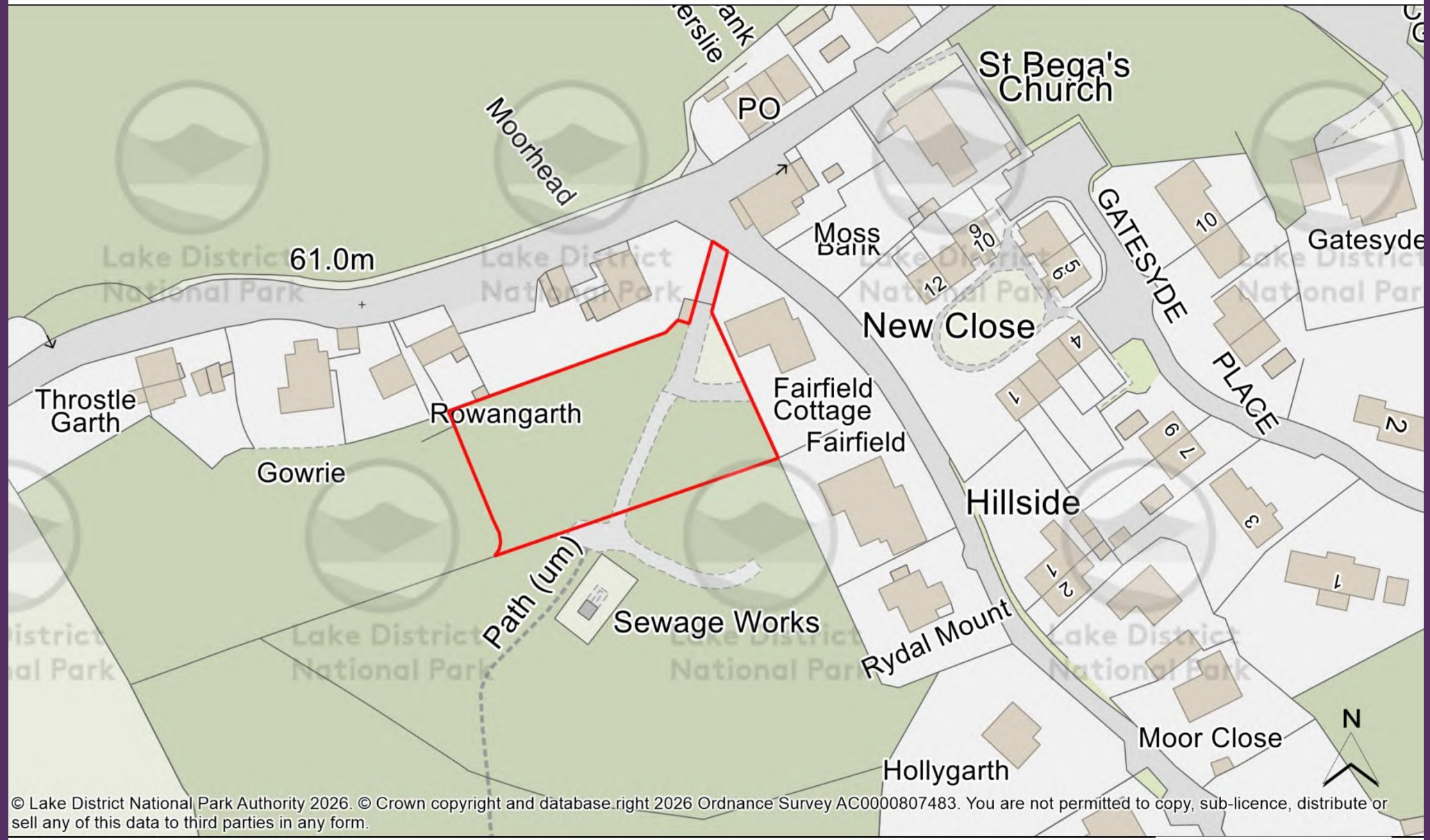
National Park Authority



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Lake District National Park Authority

Application Site









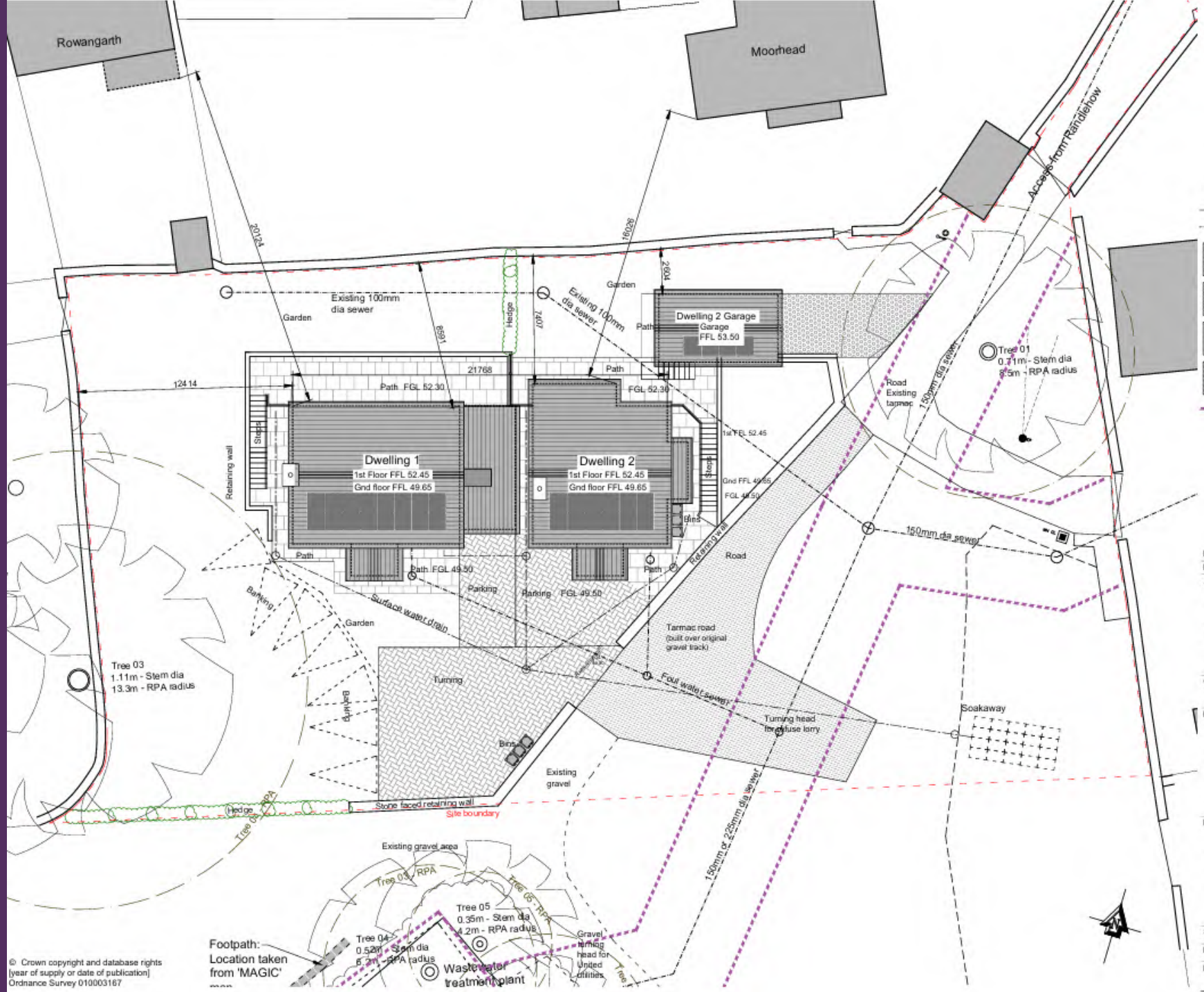








Proposed Site Plan



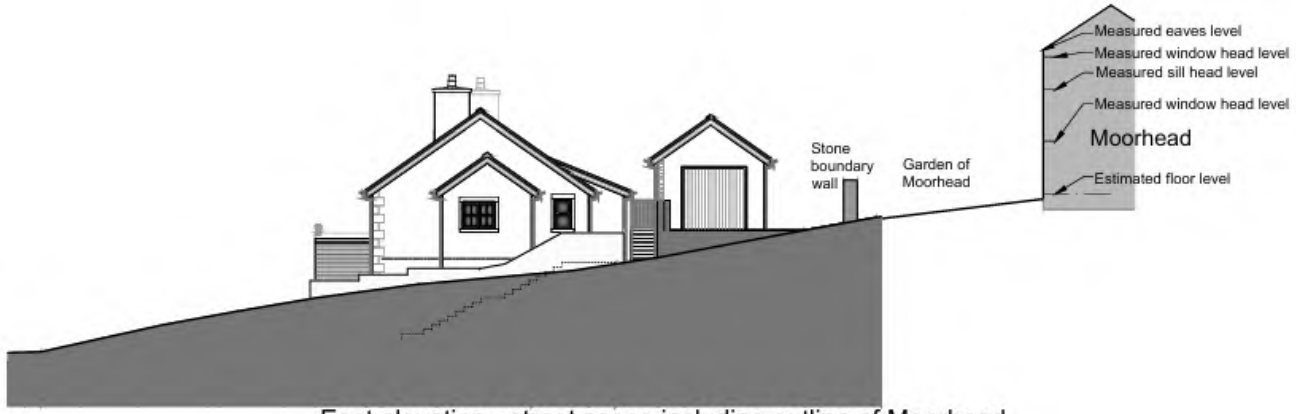
Proposed Street Scene



South elevation - street scene including boundary walls



East elevation - street scene including boundary walls



East elevation - street scene including outline of Moorhead

Materials / finishes

Roof -	Slate including solar panels
Walls -	Rough / wet dash coloured white. Local stone facing.
Window - surrounds	Cast stone lintels cills and jambs. Colour to match local red sandstone
Doors -	Timber to be painted. Colour TBC
Windows -	Timber to be painted. Colour TBC
Garage - doors	Timber with vertical planks. Colour to match doors TBC
Rainwater goods -	uPVC black

Rev	Date	Description
Revisions		

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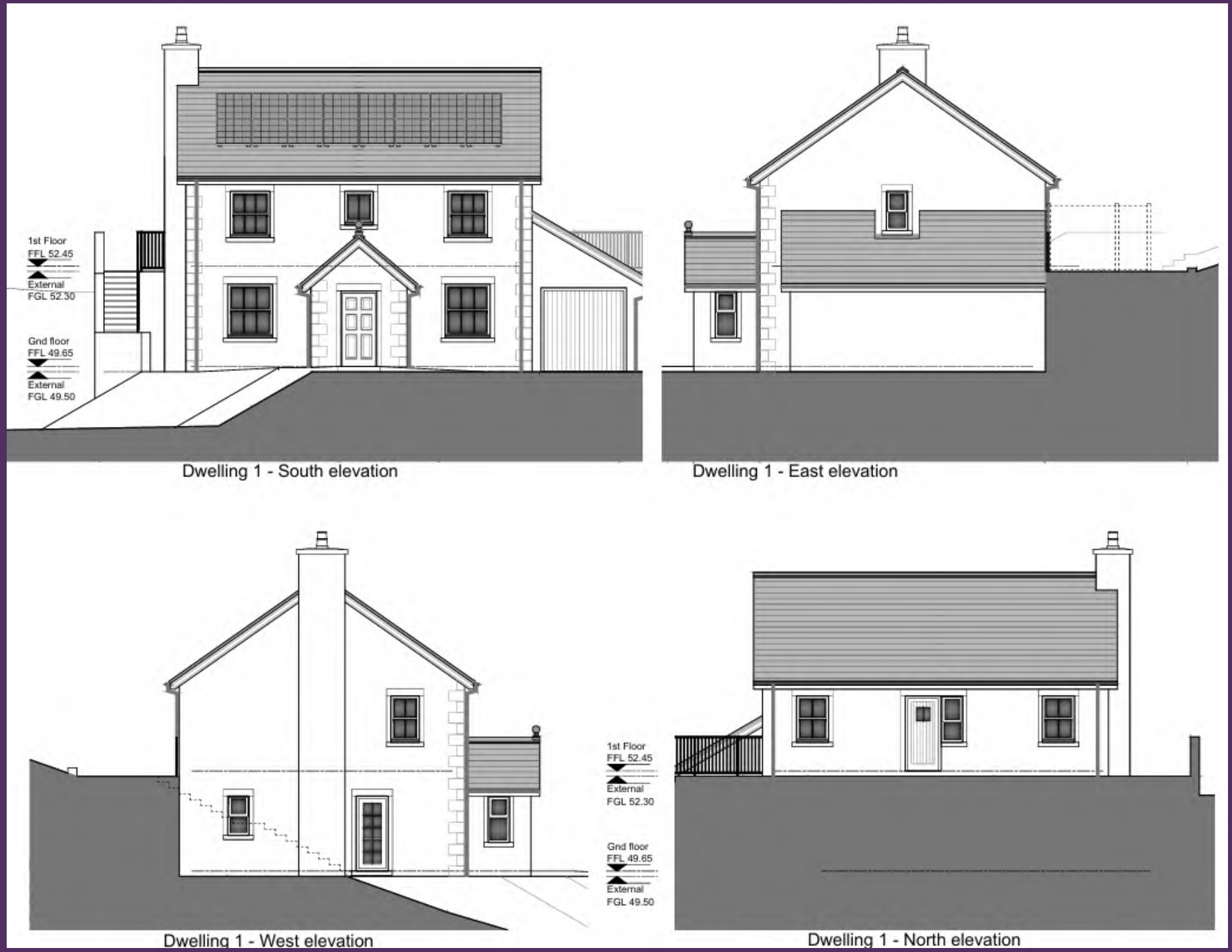
Website: www.anythingdrawn.co.uk

Client
Irving

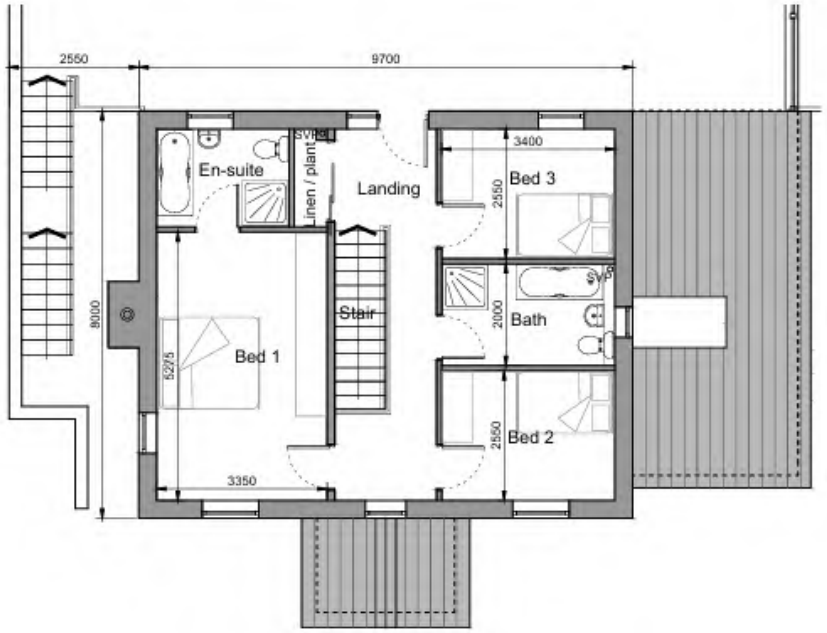
Project
Proposed dwellings on land at Fairfield,
Eskdale Green. CA19 1UA

Drawing
Proposed
'Street scene' elevations
additional

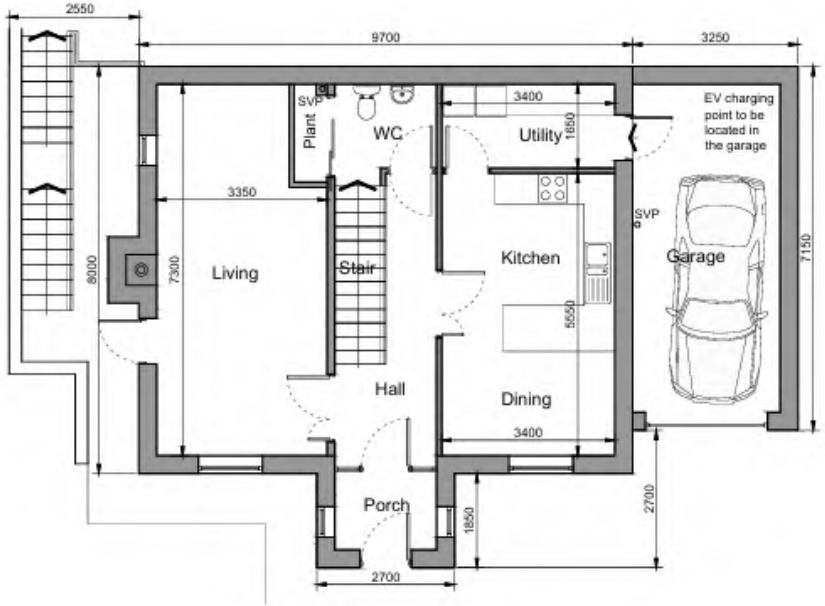
Dwelling 01 Elevations



Dwelling 01 Proposed Floor Plans



First floor plan



Ground floor plan

Dwelling 02 North & South Elevations



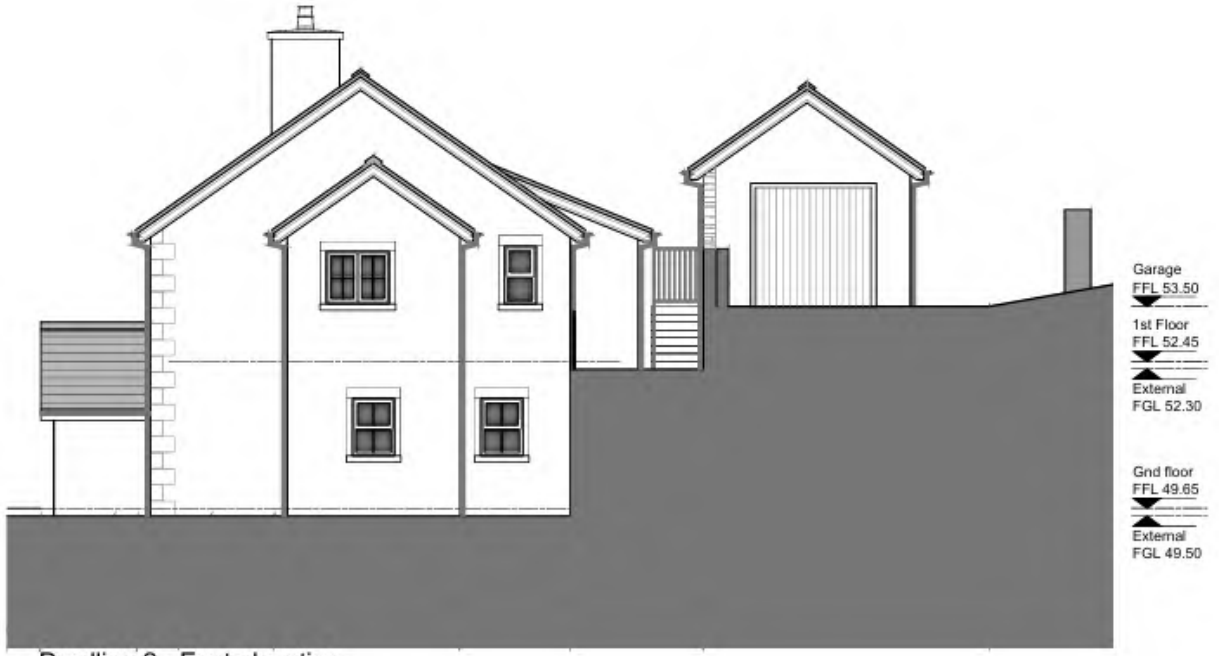
Dwelling 2 - South elevation

Dwelling 2 - North elevation



Dwelling 2 - North elevation with garage

Dwelling 02 East & West Elevations

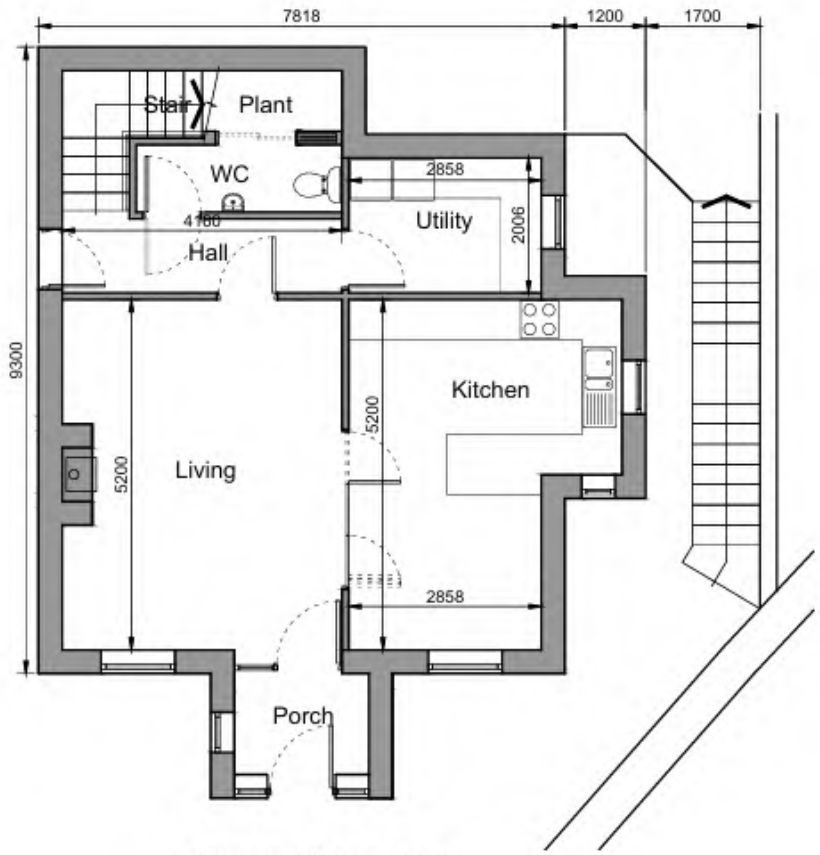


Dwelling 2 - East elevation

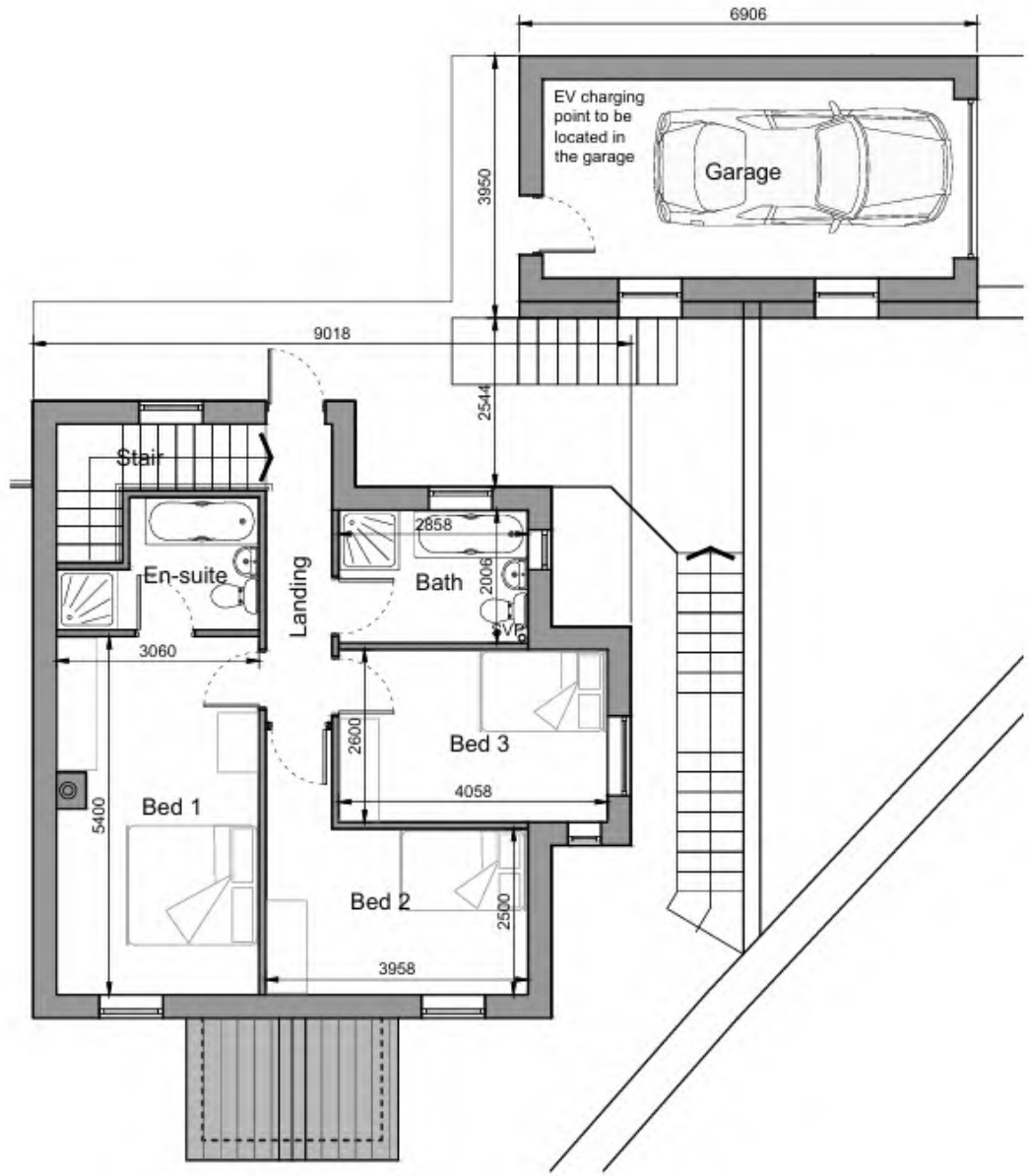


Dwelling 2 - West elevation

Dwelling 02 Proposed Floor Plans



Ground floor plan



First floor plan