



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/20/2368/OF1
2.	<b>Proposed Development:</b>	ERECTION OF FIELD SHELTER
3.	<b>Location:</b>	LAND TO REAR OF HIGH LODGE AND FORMER RAILWAY LINE, MOOR ROW
4.	<b>Parish:</b>	Cleator Moor
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: YES  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>The application relates to a field, located to the south of the former railway line near Moor Row. The site is accessed by a single access track off Blind Lane, behind High Lodge. The Public Right of Way 403005 and the former railway path run adjacent to the site.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought to erect a field shelter to house cows. The proposed structure will be located in the south-west corner of the field and will measure 6 metres by 13.7 metres. The proposal has been designed with a mono-pitched roof with an eaves height of 2.4 metres and an overall height of 3.6 metres. The proposal will include a concrete panels on the lower elevations, timber boarding on the upper elevations and a metal sheet roof. The shelter will remain open facing into the field and the roof will slope towards the boundary.</p>	

## RELEVANT PLANNING APPLICATION HISTORY

Previous application to determine if prior approval is required for a proposed field shelter (ref: 4/20/2231/0N1) was withdrawn.

## CONSULTATION RESPONSES

### Consultees

Cleator Moor Town Council – No objections.

### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 1 no. properties - No objections have been received as a result of the consultation.

## PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM30 – Rural Buildings

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

## ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the impact on residential amenity and the public rights of way.

### Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture related development. Policy DM30 and section 6

of the NPPF supports proposals for new agricultural buildings as long as they are well related to existing settlement or farm complexes, and do not adversely impact on local landscapes or the amenity of nearby residential properties.

As the proposal is to create an agricultural field shelter, this proposal is considered to be an appropriate form of development in the countryside. The proposed structure is located adjacent to an existing stables building and this will therefore minimise the impact of the development on the surrounding area.

In addition, under Schedule 2, part 6, class A of the GPDO, if the proposed agricultural development was not within 400 metres of a protected building (residential dwelling) then the field structure could have been erected without the requirement for formal planning permission. This fall-back position is a material consideration in the assessment of this application.

On this basis, in principle the proposal is considered to be an appropriate form of development in the countryside in accordance with Policies ST2 and DM30 and NPPF guidance.

#### Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

The scale and design of the proposed structure is considered to be appropriate for its use. The mono-pitched roof and lower height sloping towards the boundary will match the neighbouring stables. In addition, the materials will blend in with the surroundings. On this basis, the proposal is considered to comply with Policies ST1 and DM10.

#### Impact on Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The closest residential dwelling is approximately 150 metres away from the proposed structure. In addition, due to the topography and existing mature trees and hedges, the proposed structure will be well screened. On this basis, it is considered that the proposal will have no detrimental impact on residential amenity and therefore the proposal is considered to satisfy Policies ST1, DM10 and the NPPF guidance.

#### Impact on Public Right of Way

Although the Public Right of Way 403005 and former railway path run adjacent to the proposed structure and the proposed structure might be visible from a small section of the public footpath, it will be modest in scale. In addition, it will be seen in the context of the neighbouring stables building and as such will not have any detrimental impact on the Public Right of Way.

The site visit confirmed the field shelter will be adjacent to a PROW and the path along the former railway line, although this will be approximately 40 metres away. Existing trees and hedges along the public right of way and former railway line will also screen the proposed structure. Due to this

	<p>distance and the minimal impact, the proposal is considered to satisfy Policy DM10 and the NPPF guidance.</p> <p><u>Conclusion</u></p> <p>Overall, this is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted must commence before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li> <p>This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -</p> <p>Site Location Plan, scale 1:1250, received 16<sup>th</sup> September 2020;  Proposed Site Plan, scale 1:1250, drawing no M144-01, received 16<sup>th</sup> September 2020;  Proposed Floor Plan and Elevations, scale 1:100, drawing no M144-01, received 16<sup>th</sup> September 2020.</p> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> </ol> <p><b>Informative</b></p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>

	<p><b>Statement</b></p> <p>The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p><b>Case Officer: Chloe Unsworth</b></p>	<p><b>Date : 09/11/2020</b></p>
<p><b>Authorising Officer: N.J. Hayhurst</b></p>	<p><b>Date : 10/11/2020</b></p>
<p><b>Dedicated responses to:- N/A</b></p>	