

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/20/2411/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM FIELD TO RESIDENTIAL GARDEN TO EXTEND THE DOMESTIC CURTILAGE
3.	<b>Location:</b>	CHURCH STYLE FARM, DRIGG, HOLMROOK
4.	<b>Parish:</b>	Drigg and Carleton
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone
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>LOCATION</b>  This application relates to Church Style Farm, a detached property located within the village of Drigg.  <b>PROPOSAL</b>  Planning Permission is sought for the change of use of a field which adjoins the existing building group to form a residential garden associated with Church Style Farm house. The field is located to the north of the existing property and farm outbuildings. The field is enclosed by the existing outbuilding on its south eastern side, a boundary wall with the neighbouring church to the west and a post and wire fence along the northern and eastern boundaries.  <b>RELEVANT PLANNING APPLICATION HISTORY</b>	

A previous planning application for a 'self-contained chalet accommodation for residential occupancy by family member' was withdrawn on 13/02/2020 (ref: 4/19/2336/0F1).

## CONSULTATION RESPONSES

### Consultees

Drigg and Carleton Parish Council – No objection.

Cumbria County Council's Footpath Officer – No objection.

### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 1 no. properties - No comments have been received in relation to the statutory notification procedure.

## 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

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

## ASSESSMENT

The key issues raised by this proposed are its scale, design and landscape impact, the potential impacts on residential amenity and the public right of way.

	<p><u>Scale and Design and Landscape Impact</u></p> <p>Policy ENV5 seeks to protect or enhance the Borough's landscapes by ensuring development does not threaten or detract from the distinctive characteristics. Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and DM18 seek to ensure domestic alterations are of an appropriate scale and design which are appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.</p> <p>The proposed extension of residential garden is relatively modest in scale and is appropriately sited behind the outbuildings which form part of the existing building group. The garden will not project further than the existing rear wall of St Peter's Church and therefore does not result into intrusion into the open countryside. There will be no alterations to the existing boundary walls and the post-and-wire fence and the agent confirmed the applicant is currently planting up the boundary. This will ensure an appropriate boundary treatment to this semi-rural location.</p> <p>On this basis, the proposal is considered to satisfy Policy ENV5, DM10, DM18 and the NPPF guidance.</p> <p><u>Residential Amenity</u></p> <p>Policy ST1, Policy DM18 and section 12 of the NPPF seek to safeguard good levels of residential amenity of both the parent property and adjacent dwellings.</p> <p>Due to the proposed location of the site, there will be overlooking and overshadowing issues between the proposed garden extension and the neighbouring properties. However, it is appropriate to attach a condition which removes permitted development rights from the site to ensure that any future outbuildings are controlled in order to safeguard the character and appearance of the rural locality and protect residential amenity.</p> <p>On this basis, it was considered that the proposal will not have a significant impact on neighbouring amenity and therefore, the proposal is considered to meet Policy DM18 and the NPPF guidance.</p> <p><u>Public Right of Way</u></p> <p>Although the site lies adjacent to the Public Right of Way 405006 and the development might be visible from a small section of the public footpath, it is modest in scale. It will also be seen in the context of the existing dwelling and farm buildings and as such will not have any detrimental impact on the Public Right of Way.</p> <p>On this basis, 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>Conditions:</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, drawing no M131 App2, received 14<sup>th</sup> October 2020;  Block Plan, scale 1:500, drawing no DWG04, received 14<sup>th</sup> October 2020;  Existing and Proposed Domestic Curtilage Plan, scale 1:1250, drawing no M131 App2 Rev A, received 29<sup>th</sup> November 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> <li> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no detached buildings, enclosures, domestic fuel containers, pool or hardstandings shall be constructed within the residential curtilage other than those expressly authorised by this permission.</p> <p>Reason</p> <p>To safeguard the character and appearance of the development in the interests of visual amenity.</p> </li> </ol> <p><b>Informative</b></p> <p>Public Footpath 405006 follows an alignment to the west side of the proposed development and must not be altered or obstructed before or after the development has been completed.</p> <p>If the footpath is to be temporarily obstructed then a formal temporary closure will be required there</p>
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is a 12 week lead in time for this process, for further information please contact [Sandra.smith@cumbria.gov.uk](mailto:Sandra.smith@cumbria.gov.uk).

**Statement**

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.

**Case Officer: Chloe Unsworth**

**Date : 09/12/2020**

**Authorising Officer: N.J. Hayhurst**

**Date : 09/12/2020**

**Dedicated responses to:- N/A**