



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2150/OF1	
2.	Proposed Development:	PROPOSED IMPLEMENT AND PLANT STORAGE SHED AND CREATION OF NEW ACCESS	
3.	Location:	FIELD 2619, ROTTINGTON ROAD, ST BEES	
4.	Parish:	Whitehaven	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location This application relates to field 2619 located to the south of the village of Sandwith. The site lies off Rottington Road and is located within the open countryside. The site has previously sited a small pig sty which fell into disrepair and has been removed from the site. Relevant Planning History There have been no previous applications on this site. Proposal This application seeks planning permission for the erection of a proposed implement and plant storage shed and the creation of a new access to serve the site.		

The proposed building will be sited within the far north west corner of the application site and will measure 7.8m x 9.2m with an eaves height of 3.6m and an overall height of 4.9m. The proposed building will be used for the applicants plant/ground works business, to ensure there is a base close to the applicant's residential dwelling within the village of Sandwith. It is proposed that the building will store all the machinery for the business, which includes a 5 ton digger, 2 ton digger, a dumper, a tractor, and a tipping trailer, and will be built into the existing land form.

The site currently benefits from an informal access from Rottington Road. As part of this application a new larger access point with an 8m radius is proposed. This access will lead to a large forecourt area which is to be covered in permeable materials, to allow access to the proposed building. The submitted visibility plan for this application states that the access can achieve visibility splays of 215m in both directions set back by 2.4m.

Consultation Responses

Whitehaven Parish Council

No objections.

Cumbria County Council - Cumbria Highways & LLFA

Based on the information submitted as part of this application Cumbria Highways and the LLFA made the following initial comments:

Cumbria Highways

The Design and Access Statement submitted states that the proposed building will house 2x diggers, 1x dumper, 1x tractor and 1x trailer. Although Drawing number 01001 Rev2 shows that there is turning available on the site, Cumbria Highways would request that a tracking diagram is submitted that accounts for the larger vehicles movements.

The proposed access is within a national speed limit zone that requires visibility splays of 215m in both directions set back into the site from a point of 2.4m and at a height of 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. The latter dimension is used to ensure small children can be seen. Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc. within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicant's ownership. If the required visibility splays cannot be achieved, Cumbria Highways would strongly recommend the applicant carries out a speed survey or show speeds reflect the required visibility splays.

It was also noted that, although Cumbria can condition this at a later stage; they will be looking for the site access to be surfaced in a bituminous bound material for the first 5m into the site from the carriageway edge and any gates shall be hung to open inwards, away from the highway.

LLFA

The application form has stated that the surface water for the site will be connected to an existing watercourse. Please could the applicant submit evidence in line with the NPPF Guidance that shows that the hierarchy has been considered and that infiltration is not suitable for this site?

The applicant has shown on drawing number 01001 Rev2 that there will be an ACO drain installed at the access to the site to prevent surface water discharging onto or off of the highway. Please could the applicant confirm where the ACO drain will connect to?

Based on these comments the agent for this application has submitted an amended block plan and amended site plan showing the proposed visibility splays.

Cumbria Highways

Visibility Splays:

It is understood that the proposed access is just outside of the 30mph speed limit however Cumbria Highways do still require splays representative of the national speed limit that is in place. It could be that the existing 30mph road sign will need to be relocated at the expense of the applicant and this would require a traffic regulation order.

The splays that have been shown are not acceptable as the southern splay crosses the carriageway and leads into the field on the opposite side of the road. As stated in our previous response visibility splays shall not cross the centre-line of the road. This is not an accurate demonstration of safe visibility for this access. The applicant may find the Cumbria Development Design Guide useful for guidance when drawing their splays. The splays should then be submitted on a scaled plan showing the full length of the splays. If the applicant is unable to provide these splays, a speed survey will need to be carried out to reduce the requirements.

Access:

The proposal is for an agricultural building that will house agricultural machinery, we therefore need it to be built in line with the guidance previously given in our last response for agricultural highway accesses. Cumbria Highways will need this access to be surfaced with a bound material for the first 5m into the site from the carriageway edge.

The amended plan shows that the proposed ACO drain has been moved slightly, further into the site, to what was originally proposed. The ACO drain needs to be moved closer to the highway so that it will effectively prevent surface water discharging onto or off the highway.

On-Site Turning:

The proposed block plan has also been amended to show a different proposed layout to what was

previously proposed. Although the new layout appears to be better for the manoeuvring of vehicles within the site, we still need the applicant to demonstrate that they can carry out such manoeuvres. A swept-path diagram needs to be submitted to show this.

LLFA

I can confirm that the LLFA have no objections to the surface water being discharged into the existing watercourse. The applicant will need to obtain an Ordinary Watercourse Consent from Cumbria County Council before making any new connections to the watercourse. Please email LFRM.Consent@cumbria.gov.uk.

Following discussion with the agent for this application they have confirmed that they do not wish to submit any further information to support this application or to address concerns raised by Cumbria Highways. The Highway Authority have therefore confirmed that inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- a) Access
- b) visibility splays
- c) off-street parking
- d) road layout
- e) road construction
- f) surface water drainage
- g) on site turning facilities
- h) its effect on local traffic conditions and public safety

It is therefore confirmed that the Local Highway Authority have no alternative but to recommend that this application is refused.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to seven properties. One letter of support has been received stating that the proposal is good use of this small plot of land which was an overgrown garden. It makes sense to have a secure storage facility for Plant and Equipment close to where the applicant lives.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER6 – Location of Employment

Policy ER11 – Developing Enterprise and Skills

Policy T1 – Improving Accessibility and Transport

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

DM10 – Achieving Quality of Place

DM22 – Accessible Developments

DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2021)

Cumbria Development Design Guide

Cumbria Landscape Character Toolkit (CLCT)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

This application seeks permission for the erection of an implement and plant storage shed and the creation of a new access. The site has previously sited a small pig sty which fell into disrepair and has

since been removed from the site. The main issues raised by this application are the principle of development and the impact on local landscape and highway safety. These issues have been raised with the agent for this application prior to the determination of the application.

Principle of Development

The initial application stated that permission was sought for an agricultural building, however following submission of a planning statement setting out the requirement for the proposed building it was confirmed that the proposed building is for general use associated with the applicant's plant/ground works business and not agriculture defined in section 336 of the Town and Country Planning Act 1990.

It can be argued that agricultural contracting uses are ancillary to agricultural use, but this would only be the case if such a use was limited to the needs of the farming unit itself. This was recently confirmed in the appeal case of Mendip 26/01/2016 DCS No 200-004-574, in which an inspector rejected a modern metal agricultural building, shipping containers, plant wash bay and hard standing at a farm, concluding that the use would be more akin to an agricultural contractor's storage depot and such the use does not fall within the definition of agriculture as set out in section 336 of the 1990 Act. No evidence had been provided that the use of the site would be limited to the needs of the appellant's 2.8ha agricultural unit and it was known the appellant also operated an agricultural contracting business.

As part of this current application no evidence has been submitted to indicate that the applicant owns a larger farm unit or that the proposed building would be used in association with a single larger agricultural unit. It was therefore concluded that the use of the site was not for agricultural purposes and therefore the description of the application was amended to seek permission for an implement and plant storage shed to reflect the business of the applicant.

Policies ST1, ST2 and ER6 of the Copeland Local Plan and the NPPF seek to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy and to ensure employment sites are sited within the most sustainable locations. Sandwith is not recognised under Policy ST2 of the Copeland Local Plan as a settlement where new development is permitted and is therefore considered to be located within the open countryside. Policy ST2 of the Copeland Local Plan seeks to restrict development outside of the defined settlement boundaries to that which have a proven requirement, i.e. agriculture, farm diversification, or tourism activities. As the proposed development is not for agricultural use the application is not considered to meet the requirements for development within the open countryside as set out within Policy ST2 of the Copeland Local Plan.

Policy ER6 also seeks to focus employment development within centres where there are shared services, transport alternatives and the potential for synergy and mutually-reinforcing growth. This Policy also states that outside of Whitehaven, the Key Service Centres and the allocated sites, smaller scale economic development proposal will be considered on their merits with a number of matters

being considered including the justification for the rural location, transport impacts, and impact on landscape character, settlement character and biodiversity.

Paragraph 85 of the NPPF states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Justification

The proposed building will be used for the applicants plant/ground works business, to ensure there is a base close to the applicant's residential dwelling within the village of Sandwith. It is proposed that the building will store all the machinery for the business, which includes a 5 ton digger, 2 ton digger, a dumper, a tractor, and a tipping trailer.

The planning statement submitted with this application seeks to justify the rural location of this development, as the applicant wishes to have all of his machinery within one central location within the village in which he resides. The statement however does not detail why the site has to be located within this greenfield location in open countryside and does not give consideration for locating the development within an existing commercial or industrial area. At present the applicant currently stores his plant machinery at various farm locations away from his residential property. The creation of a central unit in this proposed location would require increased movements of the machinery to the relevant agricultural units which would create more vehicular movements and is therefore not considered to be sustainable development.

Based on the details submitted within the planning statement in relation to the nature of the applicant's business, the proposal is not considered to meet the requirements for development within the open countryside as set out within Policy ST2 of the Copeland Local Plan.

The building is therefore not considered to comply with policy ST1, ST2 or ER6 in relation to the principle of development.

Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The site lies in the open countryside to the south of the village of Sandwith. The Cumbria Landscape Character Toolkit (CLCT) defines this adjacent area as Type 4 – Coastal Sandstone. The guidelines within the document for future development intend to strengthen the definition between town and country, and reduce the impact of any new buildings by careful siting and design. The CLCT defines the key characteristics of this particular area to include coastal sandstone cliffs, large open fields and wide, uninterrupted views across to sea horizons and along the coast. The document states that the main objective is to *“manage, enhance and restore the landscape”* with concern that development could *“erode the undeveloped and rural character”* of the landscape.

The application site is detached from the built form of this small village and is visible from the adjacent highway. The site has previously sited a small pig sty however this fell into disrepair and has now been removed. Due to its size, siting and nature the proposal to erect a large commercial building and the construction of a large forecourt area in this location would result in an incongruous form of development that would significantly alter and harm the open and rural nature and character of this area. The development is not well related to any other buildings and is therefore considered to result in an inappropriate intrusion into the open countryside.

Based on this assessment, the proposal is therefore considered to be contrary to Policies ST1, ENV5, and DM26 of the Copeland Local Plan, and section 15 of the NPPF.

Highway Safety

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards which reflect the needs of the Borough in its rural context.

The site currently benefits from an informal access from Rottington Road. As part of this application a new larger access point with an 8m radius is proposed which is located outside of the speed restrictions for the village. This access will lead to a large forecourt area to be covered in permeable materials, to allow access to the proposed building. The submitted visibility plan for this application states that the access can achieve visibility splays of 215m in both directions set back by 2.4m.

Initially Cumbria Highways raised concerns regarding the visibility splays which can be achieved from this site and the large vehicles which would need to access the proposed development. Based on this the agent for this application submitted an amended block plan and amended site plan showing a revised access point and proposed visibility splays for the development. Based on these amendment Cumbria Highways have confirmed that they are not satisfied with the information submitted and have stated that the applicant will need to demonstrate safe visibility, adequate on-site turning and a proposed access that is suitable for a development of this nature otherwise they will have no alternative but to recommend the refusal of this application.

Following discussion with the agent for this application they have confirmed that they do not wish to submit any further information to support this application or to address concerns raised by Cumbria Highways. The Highway Authority have therefore confirmed that inadequate information has been

submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, off-street parking, road layout, road construction, surface water drainage, on site turning facilities, and its effect on local traffic conditions and public safety. Consequently the Local Highway Authority have no alternative but to recommend that this application is refused.

As sufficient information has not been provided as part of this application, the development is likely to have a detrimental impact on highway safety. On this basis the development is not considered to be compliant with Policy DM22 of the Copeland Local Plan, Section 9 of the NPPF, and the Cumbria Design Guide.

Planning Balance and Conclusions

The application site is located to the south of the village of Sandwith which is not recognized as a settlement under Policy ST2 where new development is supported. On this basis the application site is considered to be located within the open countryside and is therefore not considered to be within a sustainable location for new employment sites. Policy ST2 of the Copeland Local Plan seeks to restrict development outside of the defined settlement boundaries to that which have a proven requirement, i.e. agriculture, farm diversification, or tourism activities. Based on the details submitted within the planning statement in relation to the nature of the applicant's business, the proposal is not considered to meet the requirements for development within the open countryside as set out within Policy ST2 of the Copeland Local Plan. The only requirement or benefit of this proposal is one of convenience for the applicant. No justification has been provided with this application which would warrant a building of this nature on this greenfield site, the development would be more appropriately located within an industrial estate.

The erection of a large commercial unit and forecourt within this greenfield site, which is detached from the existing built form of the village would result in an incongruous form of development that would intrude into open countryside and would have a detrimental impact on the character and appearance of the local rural landscape. The building is located on a site which is highly prominent from the adjacent highways and its location is not justified. Consequently the development could create a harmful precedent which could result in further cumulative harm to the character and appearance of the locality.

The proposed access to the development is located outside of the 30 mph limit for the village, Cumbria Highways have confirmed that the information submitted is not sufficient for an application of this nature as visibility splays and access requirements have not been met, therefore the development is likely to have a detrimental impact on highway safety.

Taking into account the above factors, it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the very limited benefits, when assessed against the policies in Copeland Local Plan and NPPF as a whole. On this basis the proposal is

	considered to be an unacceptable form development and should be resisted.
8.	<p>Recommendation:</p> <p>Refuse</p>
9.	<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The application site is located outside of the village of Sandwith, which is identified as outside of settlement boundaries under Policy ST2 of the Copeland Local Plan and is therefore not considered to be a sustainable location for new employment sites. Based on the details submitted within the planning statement in relation to the nature of the applicant's business and the lack of justification for the location of the development, the proposal is not considered to meet the requirements for development within the open countryside. The proposal is therefore considered to be contrary to Policies ST1, ST2 and ER6 of the Copeland Local Plan and paragraphs 8, Section 6, paragraph 85 of the NPPF. 2. A commercial building and forecourt on this prominent greenfield site would result in an incongruous form of development which would significantly alter and harm the open and rural nature, and character of this area. The development is not well related to any other buildings and would result in intrusion into the open countryside. Development in this location could easily be replicated on the surrounding open fields. Approval would therefore make it difficult to resist further similar applications, setting an undesirable precedent that would result in further cumulative harm to the character and appearance of this rural and introduce undesirable uses within this unsustainable location. The proposal is therefore considered to be contrary to Policies ST1, ENV5, and DM26 of the Copeland Local Plan, and section 15 of the NPPF. 3. Insufficient information has been submitted to satisfy Cumbria Highways that the proposal is acceptable in terms of access, visibility splays, off-street parking, road layout, road construction, surface water drainage, on site turning facilities, and its effect on local traffic conditions and public safety. As sufficient information has not been provided as part of this application, the development is considered to have a detrimental impact on highway safety. The proposal is therefore considered to be contrary to Policy DM22 of the Copeland Local Plan, Section 9 of the NPPF, and the Cumbria Design Guide. <p>Statement:</p> <p>The Local Planning Authority has acted positively and proactively in accordance with Copeland Local Plan policies and the National Planning Policy Framework in determining this application by identifying matters of concern with the proposal and raising those with the applicant. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the</p>

	reason for refusal.	
Case Officer: C. Burns		Date : 06.09.2021
Authorising Officer: N.J. Hayhurst		Date : 07/09/2021
Dedicated responses to:-		