

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/21/2258/PIP
2.	Proposed Development:	APPLICATION FOR PERMISSION IN PRINCIPLE FOR UP TO FIVE RESIDENTIAL DWELLINGS
3.	Location:	LAND AT HOME FARM, GILGARRAN
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See report.
7.	<p>Report:</p> <p>Site and Location:</p> <p>The Application Site comprises a 0.21ha parcel of land located at Home Farm, Gilgarran.</p> <p>The Application Site comprises a collection of agricultural buildings and associated yards.</p> <p>The Application Site is bounded by agricultural buildings and land to the north; dwellings to the east; a public highway and dwellings to the south; and, a dwelling, agricultural buildings and a public highway to the west.</p> <p>The Gilgarran Gill watercourse exists to the east of the Application Site</p> <p>Relevant Planning Application History</p> <p>None.</p> <p>Proposal:</p> <p>This Application seeks 'Permission in Principle' for the erection of up to 5no. dwellings.</p>	

Consultee:	Nature of Response:
Parish Council	<p><i>15th June 2021</i></p> <p>The above proposal was discussed at the recent meeting of the Parish Council and members are concerned about the access to the site and additional cars which may not be contained within the confines of the development.</p> <p><i>12th October 2021</i></p> <p>Distington Parish Council has the following observations to make</p> <ol style="list-style-type: none"> 1. Concerns about parking which will obviously be exacerbated by the increased number of cars with the development 2. Would like to see a condition imposed on any planning consent that the dwellings be for local occupancy and not to be used for second home ownership.
Cumbria County Council – Highways and LLFA	<p>Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.</p> <p>We can confirm that the only access seeming capable of intensification is the access to the north of the site, with the other two being severely substandard.</p> <p>We look forward to the detailed phase of this proposal.</p>
Neighbour Responses:	
<p>The application has been advertised by way of an application site notice and neighbour notification letters sent to 7no. neighbouring properties.</p> <p>Representations have been received from 7no. parties including 1no. in support and 6no. in objection.</p> <p>The material planning considerations raised comprise:</p> <p><u>Support</u></p> <p>The development of what is currently run down agricultural buildings into dwellings would enhance the centre of the village.</p> <p>The development would deliver dwellings without impacting on greenbelt/countryside.</p>	

Objection

It is unclear what is being applied for i.e. new build development or reuse of the existing buildings.

Principle;

The policies of the Development Plan do not support development in Gilgarran. The premise that developing 5no. dwellings will deliver greater benefits than the approved developments of 1no. or 2no. dwellings is flawed.

The proposed development will result in reliance upon the use of the private car.

There are no services including provision of children in Gilgarran to support new residential development.

Use of holiday lets would support Home Farm and other businesses

Highways;

The access to the Site is substandard in respect of visibility to the detriment of highway safety.

The proposed development would result in loss of parking to Home Farm.

The illustrative plan does not show sufficient parking spaces for 5no. dwellings.

Emergency vehicles would be unable to access to the development.

Parking in this area of Gilgarran is problematic due to the alignment of the highway and would be exacerbated if on highway parking were to occur.

Speeding is known to happen in Gilgarran.

The proposed development will result in additional pressure on the poor access roads and junctions to Gilgarran.

Refuse storage has not been demonstrated.

Landscape/Settlement Character;

The proposed development is out of scale and out of keeping with the character of this area of the settlement.

Ecology;

The development will result in the loss of habitat for protected and important local species including birds including Bats, Red Squirrels, Great Crested Newts, Great Spotted Woodpeckers, Cuckoos, Barn Owls.

There is sufficient land for wildlife etc. in the wider area.

Residential Amenity;

It is unclear if the existing agricultural buildings will become redundant and if Home Farm will cease to operate.

The development has potential to adversely impact upon the residential amenity of adjacent dwellings through overlooking, increased light pollution and noise generation.

Heritage;

The first toilet built in Gilgarran is located just inside the entrance of Garran Ghyll and which borders the stone wall to Home Farm. Demolishment of any barn building around the location of this historic monument has the potential to cause damage to a piece of history that has withstood the test of time.

Existing Services;

Water pressure, sewage and internet provision are already at capacity. The proposed development in addition to the previously approved development could undoubtedly adversely affect existing properties if capacity is not available.

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ST4 – Providing Infrastructure

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Emerging Copeland Local Plan (ECLP).

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. 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:

The Application is seeking 'Permission in Principle' for the erection of up to 5no. dwellings; therefore, the matters for consideration comprise the location, land use and amount of development only.

Points of detail, such as the layout of the dwellings and scale of dwellings etc. are to be considered at technical details consent stage if 'Permission in Principle' is approved.

Location

Development Plan

Gilgarran is not identified as a sustainable location for new build residential development in Policy ST2 of the Copeland Local Plan 2013-2028.

Gilgarran is also not identified as a sustainable location for new build residential development in Policy DS2PO of the emerging Copeland Local Plan 2017-2035 which has been prepared following the principles and provisions of the NPPF, which is a material planning consideration.

The previous decisions regarding residential development in Gilgarran, were approved when Copeland Borough Council was unable to demonstrate a Five Year Housing Land Supply, which is no

longer the case, albeit the provisions of Paragraph 11 of the NPPF remain engaged.

Recent appeal decisions relating to new build residential development in isolated rural settlements including Lamplugh and Moresby have highlighted that locations such as Gilgarran should not be considered sustainable locations for new build residential development for the purposes of the NPPF on grounds of their spatial isolation from services and facilities and the resulting reliance of residents on the private car to access such everyday services, which is in conflict with the provisions of Paragraph 79 of the NPPF.

Notwithstanding the above, the Application Site comprises a collection of existing agricultural buildings.

Policy ST2 outlines support for the conversion of rural buildings outside of the defined settlement boundaries to residential use.

The provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are a material planning consideration.

A formal application for prior approval under the provisions of Schedule 2, Part 3, Class Q has not been submitted or approved; however, potential does exist to progress a scheme of development under these provisions which would deliver up to 5no. dwellings.

Land Use

Landscape and Settlement

The Application Site comprises a collection of agricultural buildings and associated yards of varying condition and means of construction.

The Application Site is located within the developed envelope of Gilgarran, being contained by a combination of agricultural buildings and dwellings.

Given the location of the Application Site, adverse impacts upon landscape character and adverse visual effects will not result.

The buildings are not designated heritage assets. The traditional buildings given their age and construction are considered non-designated heritage assets.

A development of up to 5no. dwellings would reasonably be deliverable on the Application Site in a form that would respond to and relate to this area of the settlement including the surrounding dwellings.

The retention or removal of the existing buildings falls for consideration at the technical details consent stage. Clear potential exists for the retention of the buildings in whole or in part within any final scheme of development.

Flood Risk;

The Site is located within Flood Zone 1.

The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1.

Ecology;

The Site is not the subject of a statutory ecological designation.

A Bat and Barn Owl Survey has been prepared. The Survey concludes that bats are not using the buildings on the Application Site. A bat roost was identified in a dead Elm tree in the woodland to the east of the Application Site. It is confirmed that a European Protected Species Licence will not reasonably be required for development of the Application Site.

The development is unlikely to adversely impact upon protected or local important species.

Amount of Development;

The provisions of Schedule 2, Part 3, Class Q would permit a scheme of development of up to 5no. dwellings.

A development of up to 5no. dwellings is deliverable on the Application Site that would respond to and relate to this area of the settlement including the surrounding dwellings.

Other Matters Raised in Representations

A number of objections are raised in representations in relation to the matters of highway safety, access parking, development layout and form, residential amenity and impact upon utilities and services. Such matters are to be considered at the technical details consent stage and cannot be considered at this 'Permission in Principle' stage.

In relation to impact upon utilities and services, this in part falls beyond the scope of planning controls or are to be considered at the technical details consent stage.

It must be highlighted that should any scheme at the technical details consent stage not meet the requirements of the Development Plan etc. potential exists for refusal which will prevent the development of the Application Site.

	<p><u>The Planning Balance</u></p> <p>The provisions of Policy ST2 and Schedule 2, Part 3, Class Q which is a fallback position and thus a material planning consideration support of the principle of residential development on the Application Site.</p> <p>The proposed development would assist in significantly boosting housing supply to meet the identified need for housing within the wider Borough.</p> <p>The provisions of Schedule 2, Part 3, Class Q would permit a scheme of development of up to 5no. dwellings.</p> <p>A development of up to 5no. dwellings is deliverable on the Application Site that would respond to and relate to this area of the settlement including the surrounding dwellings.</p> <p>Unacceptable impacts upon ecology will not result from the development.</p> <p>In overall terms, it is considered that the impacts of the development are collectively not sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development when assessed against the policies in the NPPF taken as a whole.</p>	
8.	<p>Recommendation: Approve</p>	
9.	<p>Conditions: N/A.</p>	
Case Officer: Chris Harrison		Date : 17.11.2021
Authorising Officer: N.J. Hayhurst		Date : 18.11.2021
Dedicated responses to:-		