

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2462/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM AGRICULTURAL LAND TO GARDENS
3.	<b>Location:</b>	LAND TO REAR OF 1, 2 & 3 WILTON MEWS, WILTON, EGREMONT
4.	<b>Parish:</b>	Haile
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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 Policies – See Report
7.	<b>Report:</b>  <b>Site and Location</b>  This application relates to agricultural land to the south west of 1 – 3 Wilton Mews. The site is located within the centre of Wilton and lies off the main road through the village.  <b>Relevant Planning History</b>  No relevant planning history.  <b>Proposal</b>  This application seeks to change the use of this agricultural land to provide an extension to the	

existing residential gardens associated with 1, 2 and 3 Wilton Mews. The area of land subject to this change of use measures 40m along the rear of the residential properties and will project 13m into the field. The land will be divided into three residential gardens to reflect the width of the existing rear gardens for 1 – 3 Wilton Mews, and will be divided by 90cm high stock fencing.

The existing pedestrian access will remain to the rear of the properties existing gardens, with garden gates installed into the existing stock proof fence. The existing natural hedgerow will be retained along the north west and south east boundary of the site, with an additional natural hedge installed along the south west boundary of the site. This proposed hedge will be planted with native species sourced locally, including Hawthorn, Field Maple, Blackthorn, Hazel, and Beech. The proposed hedgerow will be planted at 40cm, with a spacing of 3 per 1m and protected by tree shelters. This boundary will be maintained at a height of 1.4m – 1.6m.

### **Consultation Responses**

#### Haile Parish Council

No objections.

#### Arboricultural Officer – Capita

The proposed hedge would be suitable species and size. I would also consider giving them some protection from rabbits and voles.

#### Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to eight properties. One letter of support has been received which states that they are surprised that planning permission is required because a significantly larger parcel of land has been converted to garden without planning permission in the area.

### **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 ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM26 – Landscaping

**Other Material Planning Considerations**

National Planning Policy Framework (2021)

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 planning permission to change the use of part of an agricultural field to form residential gardens associated with 1 – 3 Wilton Mews. The key issues raised by this application relate to the principle of the development, impact on residential amenity, and landscape impact.

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including land uses characteristically located outside of settlements.

The application site is located within the centre of Wilton which is identified within Policy ST2 of the Copeland Local Plan as in open countryside. The agricultural land lies within the centre of the built form of the village and is bounded by existing residential uses. The use of this site for residential garden is therefore considered to reflect the character of this area and is in accordance with Policy ST2 of the Local Plan.

Landscape 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 application site lies within the centre of the village of Wilton. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 11a: Upland Fringe – Foothills. The key characteristics of this area are rolling, hilly or plateau farmland and moorland, and large areas of farmland are bounded by stone walls and hedges. It is stated that development in this area should protect village fringes from unsympathetic development, resist development of important open spaces such as small pastures or woods within villages, and conserve the rural character of the existing small road network.

Within the centre of Wilton, there are currently two agricultural fields, which are bounded on all sides by residential properties and their amenity space. This application seeks to change part of one of these fields to residential use to be associated with the adjacent dwellings. In order to accommodate this change of use stock proof fences will be used to divide the land into three separate plots, the existing hedgerows to the north east and north west of the site will be retained, and an additional natural hedge will be planted in order to separate the proposed gardens from the rest of the agricultural land.

The Council's Consultant Arborist has confirmed that the proposed hedgerow is a suitable species and size. The proposed boundary treatments to be used within the development are considered to reflect those currently within the locality and will ensure that the rural character of this land is retained. The installation, retention and maintenance of the proposed landscaping will be secured by an appropriately worded planning condition.

The proposed change of use of the land to residential garden space is modest in scale and is not considered to change the character of the area, permitted development rights will be removed from this land to ensure inappropriate development is not introduced. The proposal will sit within the context of the existing residential uses and is not considered to intrude into or impact on the character of the open countryside to any significant degree.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

#### Impact on Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The proposal to change the use of the land to residential garden is considered to respond to the

	<p>character of the site by retaining existing landscaping and introducing additional boundary treatment that would typically be found within the rural area. Existing boundary treatments and additional hedgerow maintained at a height of 1.4m-1.6m will ensure the development protects existing residential amenity.</p> <p>The proposal is therefore considered to comply with policies ST1, and DM10 of the Copeland Local Plan and provision of the NPPF.</p> <p><u>Planning Balance and Conclusions</u></p> <p>The proposed change of use from agricultural land to residential garden within the centre of the village of Wilton, is considered to be an appropriate use for this site given the character of the surrounding area. The development would not result in any significant intrusion into the open countryside and retains the existing rural character through sensitive boundary treatments. Permitted development rights will be removed from the site through condition in order to retain the rural character of the site.</p> <p>On this basis the application is therefore considered to represent 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> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li> </ol> <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> <ol style="list-style-type: none"> <li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Site Location Plan (Amended), Scale 1:1250, received by the Local Planning Authority on the 27<sup>th</sup> October 2021.</li> </ul> </li> </ol>

- Block Plan (Amended), Scale 1:500, received by the Local Planning Authority on the 3<sup>rd</sup> November 2021.
- Proposed Landscaping Details (Amended), received by the Local Planning Authority on the 15<sup>th</sup> November 2021.

Reason

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.

Prior to Use Conditions:

3. The proposed landscaping relating to the development hereby approved must be carried out in accordance with the following approved documents:

- Block Plan (Amended), Scale 1:500, received by the Local Planning Authority on the 3<sup>rd</sup> November 2021.
- Proposed Landscaping Details (Amended), received by the Local Planning Authority on the 15<sup>th</sup> November 2021.

The landscaping scheme must be implemented within the first available planting season after the site is brought into use. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

Other Conditions:

4. The proposed landscaping relating to the development hereby approved must be maintained in accordance with the approved document, 'Proposed Landscaping Details (Amended), received by the Local Planning Authority on the 15th November 2021'. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

	<p>Reason</p> <p>To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.</p> <p>5. 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 must be constructed within this land 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> <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:</b> C. Burns</p>	<p><b>Date :</b> 29.11.2021</p>	
<p><b>Authorising Officer:</b> N.J. Hayhurst</p>	<p><b>Date :</b> 13/12/2021</p>	
<p><b>Dedicated responses to:-</b> N/A</p>		