



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/21/2473/OF1
2.	<b>Proposed Development:</b>	ERECT ROOF OVER MIDDEN STORE
3.	<b>Location:</b>	WATER BLEAN FARM, THE HILL, MILLOM
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, 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 Planning Policies: See report
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  <p>The application relates to Water Blean Farm complex, located to the south of The Hill, Millom. The site is accessed by a single track off the A5093 and benefits from a number of agricultural buildings. The site also lies within flood zones 2 and 3.</p>  <b>PROPOSAL</b>  <p>Planning Permission is sought to erect a roof over an existing midden store. The proposed structure will extend 9.15 metres from the existing side elevation and it will measure 22.86 metres in depth to match the existing cattle building. It will include a pitched roof with an overall height of 5.1 metres and an eaves height of 3.66 metres. It will include open sides and it will be constructed out of big six grey corrugated cement fibre sheeting on the roof.</p>	

## **RELEVANT PLANNING APPLICATION HISTORY**

- Planning Permission has previously been granted for:
- The erection of a roof over a collecting yard (ref 4/14/2144/0F1);
- The construction of a roof over a concrete yard which is used to store farm manure (ref: 4/15/2110/0F1);
- The erect of a roofed midden (manure storage area) (ref: 4/17/2269/0F1);
- The erection over middens and cattle feeding yard (4/19/2069/0F1);
- Notice of intention for renewal of concrete yard (4/19/2245/0N1).

## **CONSULTATION RESPONSES**

### Millom Without Parish Council

No comments received.

### Highway Authority

Standing Advice.

### Lead Local Flood Authority

Standing Advice.

### Copeland Borough Council Flood Engineer

No objections.

### Cumbria County Council Footpath Officer

Section 7.7 of 'Policy ENV6 – Access to the Countryside' within the Copeland Local Plan 2013-2028 recognises that existing Public Rights of Way are protected in law.

FP 416043 runs parallel to the development site and we advise that:

- The granting of planning permission would not give the applicant the right to block or obstruct any of the rights of way adjacent to the development site.
- Rights of way as shown on the definitive map and statement must be kept open and unaltered for public use, unless or until an order is made to divert, stop up or to temporarily close it comes into effect.

### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to three 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

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 - Protecting and Enhancing the Borough's Landscape

Policy ENV6 – Access to the Countryside

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM26 – Landscaping

Policy DM24 – Development Proposals and Flood Risk

Policy DM30 – Rural Buildings

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

#### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been 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 key issues raised by this proposal are the principle of development, its scale and design, the landscape and visual impact, the impact on flood risk and the public right 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.

The application seeks to erect a roof over an existing midden store within the farm complex to reduce contaminated surface water run-off and therefore the proposal is considered to be an appropriate form of development in the countryside and it is supported by the Environment Agency. Despite being visible from the surrounding fields, the proposed structure will be located adjacent to an existing farm building and this will therefore minimise the impact of the development on the surrounding area.

On this basis, there is a proven requirement for the proposed agricultural building and therefore 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 with regard to the existing farm building and midden store. The roof pitch and height will reflect the existing building. In addition, the use of matching roof materials will ensure that the new structure relates well to the existing building.

On this basis, the proposal is considered to comply with Policies ST1, DM10 and DM30.

### 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 application site lies within the Water Blean Farm complex on land currently utilised as a midden store adjacent to the existing agricultural building. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2d 'Coastal Urban Fringe', which seeks to enhance, restore and improve the landscape.

Despite the proposal being visible from the south of the site, the proposed structure will be viewed in the context of the existing working farm. In addition, the structure will match the existing buildings

form and appearance and this will minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.

Overall, the works are not considered to have a significant impact on the character and appearance of the landscape or result in a significant intrusion into the open countryside. The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.

#### Flood Risk

The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policies ENV1 and DM24 seeks to protect developments against risks of flooding.

The application is accompanied by a Flood Risk Assessment as the site falls within flood zones 2 and 3. The supporting documents also include a plan for the tidal protection measures and it is noted the area has not flooded since the estuary tidal protection embankment was erected in 1963.

The proposal is relatively small and the existing use of the area will remain the same. The site is already concreted and therefore the proposal will only have a very small impact on flooding extent should it occur and it will not cause flood risk elsewhere. In addition, the open-sided building design will allow floodwater to enter and exit freely without effecting the structure and therefore the measure are considered to be appropriate to protect the buildings from flood damage.

The Council's Flood Engineer also raised no objection to the proposal, as the proposal will not increase the impermeable surface area.

On this basis, it is considered that the proposed agricultural building will not have a detrimental impact on increasing flood risk and therefore, the proposal is considered to meet Policies ENV1, DM24 and the NPPG guidance.

#### Impact on Public Right of Way

Section 7.7 of Policy ENV6 recognises that existing Public Rights of Way are protected. On this basis, as the Public Right of Way 416043 runs parallel to the development site, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

The proposed structure will be visible from a small section of the Public Right of Way 416043, although it will be modest in scale and it will be viewed in the context of the existing buildings and as such will not have any detrimental impact on the Public Right of Way.

The site visit confirmed the PROW runs through the field and farmyard but it will not be directly adjacent to the proposed building, which will be approximately 20 metres away. Due to this distance, it will not significantly harm the amenity of the user or the physical footpath.

The Cumbria County Council Footpath Officer advised the Public Rights of Way is protected and therefore an informative note is attached to ensure the development does not obstruct the footpath during, or after the completion of the site works.

	<p>On this basis, the proposal is considered to satisfy Policies ENV6, DM10 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to erect a roof over an existing midden store. The main issue raised by the application was the location of the development within the open countryside and the potential impacts on the landscape character and the potential flood risk within flood zone 3.</p> <p>The proposal relates well to the existing farm complex and it will reduce contaminated surface water run-off. The scale will be modest and the open-sided design is considered to be suitable for its use and reflect the form and appearance of the other structures within the complex. Any adverse impact on the character and appearance of the landscape and public right of way will be modest. On this basis, there is a proven requirement for the proposed agricultural development and therefore the proposal is considered to be an appropriate form of development in the open countryside.</p> <p>In addition, the proposal is considered to be an acceptable form of development within flood zones 2 and 3. It is not considered that the proposal will have a detrimental impact on increasing flood risk within the site or elsewhere and the flood resilience and mitigation measures are considered to be appropriate.</p> <p>Overall, the potential harm will not significantly and demonstrably outweigh the identified benefits of the development and therefore the proposal 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 Plan, scale 1:2500, drawing no. 1715, received 25<sup>th</sup> October 2021;  Block Plan, scale 1:300, drawing no. 1715, received 15<sup>th</sup> June 2021;  Proposed Floor Plan and Elevations, scale 1:100, drawing no. 1715, received 15<sup>th</sup> June 2021;</p> </li> </ol>

	<p>Flood Risk Assessment, received 25<sup>th</sup> October 2021; Tidal Protection Measures Plan, received 25<sup>th</sup> October 2021; Design and Access Statement, received 25<sup>th</sup> October 2021.</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> <p>3. Prior to the first use of the building hereby approved, the flood resilience and mitigation measures shall be implemented in accordance with the details set out in the Flood Risk Assessment received by the Local Planning Authority on 25<sup>th</sup> October 2021. These measures shall be retained and maintained at all times thereafter.</p> <p>Reason</p> <p>To prevent flood risk in accordance with 'Policy DM24 - Development Proposals and Flood Risk' of the Copeland Local Plan.</p> <p><b>Informative</b> A PROW (public footpath) number 416043 runs parallel to the development site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.</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>	
Case Officer: C. Unsworth	Date : 17/12/2021	
Authorising Officer: N.J. Hayhurst	Date : 20/12/2021	
Dedicated responses to:- N/A		