

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2510/OF1
2.	Proposed Development:	EXCAVATION WORKS TO FORM A SILAGE STORAGE AREA, REPOSITIONING OF EXISTING EARTH BANK AND LANDSCAPING AND THE CREATION OF AN ACCESS TRACK
3.	Location:	CASTLERIGG FARM, MORESBY PARKS
4.	Parish:	Distington
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 Planning Policies: See report
7.	Report: SITE AND LOCATION <p>This application relates to Castlerigg Farm, located north of Moresby Parks. The farm is accessed from the road leading from Moresby Parks to Distington and is located off a small access road which only serves Castlerigg Farm.</p> PROPOSAL <p>Planning Permission is sought for the formation of a big bale silage store area to the north of an existing general purpose building. This involves excavating a level area from the sloping field to incorporate an existing earth bank and tree screen to the north and east side of the storage area.</p> <p>The flat store area is proposed to be 580m² to be earth and will be free draining. Access to the store will be via a hardcore track to be 5.2m to the west of the existing general purpose building. A new</p>	

stock fence will be erected to the field side of the works.

RELEVANT PLANNING APPLICATION HISTORY

4/09/2133/0 : Change of use of agricultural land for levelling of garden area to rear & improved access to transmitter - 11/05/2009 - approve (commence within 3 years)

4/13/2125/0F1 : Erection of one wind turbine (up to a maximum height of 77m to blade tip) and associated infrastructure including: turbine foundation, crane hard-standing, substation, electrical cabinet, new access track and underground cabling.

4/13/2125/0F1 : Erection of one wind turbine (up to a maximum height of 77m to blade tip) and associated infrastructure including: turbine foundation, crane hard-standing, substation, electrical cabinet, new access track and underground cabling - 16/04/2014 - Approve (commence within 3 years)

4/14/2309/0F1 : Variation of condition 9 of planning ref 4/13/2125/0f1 (erection of wind turbine) regarding noise.

4/14/2309/0F1 : Variation of condition 9 of planning ref 4/13/2125/0f1 (erection of wind turbine) regarding noise - 12/11/2014 - Approve (commence within 3 years)

4/15/2240/0F1 : Erection of general purpose building - 28/07/2015 - Approve (commence within 3 years)

4/21/2123/0F1 : Erect two storey extension to north elevation, approved

4/21/2296/0F1: Erect agricultural general purpose workshop building, approved

4/21/2303/0F1: Erect cattle cubicle building including underfloor slurry store, approved

CONSULTATION RESPONSES

Distington Parish Council

No objections.

Cumbria County Highways

It is considered that the proposal will not have a material effect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

Flood and Coastal Defence Engineer

The location is a low flood risk no actual drainage being included.

The earthworks will probably cause localised changes to how natural drainage occurs, but I wouldn't expect these change to have any impact other than vey locally to the site, if at all.

Environmental Health Officer

Having visited the site I can confirm that, other than the applicant's family, there are no other nearby sensitive premises that may be adversely affected by the development and, as such, I have no objections to the proposal from an Environmental Health perspective.

Local Lead Flood Authority

There has been no drainage identified with this application however given the scale of the development, Building Control will be responsible for ensuring surface water is drained appropriately.

Public Representation

The application has been advertised by way of a site notice.

No consultation responses have been received.

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 ENV1 – Flood Risk and Risk Management

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM30 – Rural Buildings

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan

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

Principle of the development

Policy ST2 of the Copeland Local Plan sets out a spatial development strategy which seeks to allow development within the defined settlement boundary and restricts development that which has a proven requirement for such a location. The site is located close to Low Moresby, but not within any of Copeland's identified settlement boundaries, however, Policy ST2 allows for land uses characteristically located outside settlements within the open countryside, such as agriculture. On this basis, the principle of the development is considered to be acceptable in this location.

Policy DM30 of the Copeland Local Plan seeks to approve agricultural development where it is of an appropriate scale, well related to the existing farm complex or buildings and do not affect the amenity of neighbouring properties. Policies DM10 and DM30 also seek to ensure appropriate design.

Justification for location

In accordance with criteria A of Policy DM30, the proposed agricultural building will be sited in a location within the existing farm complex. The site is brownfield land having previously been utilized for a farm building previously. The location has good access and is close to two further farm buildings and the farm house to the north and west. The building will be utilized for the existing farm activities and therefore the location within the unit is considered to be practical.

Landscape and visual impact

The silage storage area has been sited next to an existing agricultural building within the main yard area and therefore will be seen in context with the existing farm unit. It will remain as an earth base, therefore having little effect on the existing landscape.

The field will slope down to the north where there are agricultural fields beyond therefore there will be little impact on the surrounding landscape character in accordance with criterion B, C, D and E of Policy DM30, Policy ENV5 and Policy DM10 the Copeland Local Plan.

Impact on residential amenity

Other than the farmhouse, there are no neighbouring properties, with the closest residential property 450 metres to the west of the site. Due to this separation distance, the development is unlikely to cause any harm to the occupiers' amenities. Environmental Health raised no objections with regards to the silage storage area and associated works. The proposal is considered to be in

	<p>accordance with criteria E of Policy DM30 of the Copeland Local Plan.</p> <p><u>Access</u></p> <p>The existing access to the south of the proposal will remain in use and unaffected by this proposal. Cumbria Highways raised no objections to the proposal stating that there is unlikely to be a material effect on the existing situation.</p> <p>Overall, the proposal complies with Policy DM22 of the Copeland Local Plan in relation to accessibility.</p> <p><u>Drainage</u></p> <p>The proposed development is unlikely to have an effect on the existing drainage situation as infiltration will still be possible due to the free draining earth and grass that will result from the works. The Local Lead Flood Authority and Copeland's Flood and Coastal Defence Engineer raised no objections to the proposal. It is considered that the proposal will comply with Policies ENV1 and DM24 of the Copeland Local Plan, protecting the Borough from flood risk.</p> <p><u>Conclusion and planning balance</u></p> <p>No objections have been received to the proposal. The principle of an agricultural development in this location is acceptable as it requires a siting outside the Borough's defined settlements. There will be a neutral impact on the surrounding landscape due to the location within the farmyard and due to the proximity of other residential dwellings, it is unlikely to create any issues with amenity. Access to the site will remain as existing and the development is unlikely to create a significant impact on the surrounding road network. The ground will drain via infiltration, as is the existing situation, ensuring that the risk of flooding on site and in the surrounding area is not increased.</p> <p>The proposal complies with Policy DM30 of the Copeland Local Plan and will encourage the continued use and expansion of the working farm. On balance, there are no significant negative impacts created by the development, therefore the application should be approved.</p> <p>Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPF and policies within the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p>

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Site Location Plan, block plan, elevations and floor plan, scales 1:2500, 1:500 and 1:100, drawing number 1726, received 22nd November 2021;

Design and Access Statement, written by RA Walker, received 22nd 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.

3. The earth bund and planting shown on the approved plans and as specified in the submitted Design and Access Statement shall be completed within twelve months of the first use of the storage area hereby approved. Once installed the bund and planting shall be maintained in accordance the approved details.

Reason

In order to minimise the impact of the development on the character and appearance of the landscape in accordance with Policies ENV 5 and DM 30 of the Copeland Local Plan 2013-2028.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

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: Sarah Papaleo	Date : 14/01/2022
Authorising Officer: N.J. Hayhurst	Date : 17/01/2022
Dedicated responses to:-	