

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2011/0F1
2.	Proposed Development:	CONVERSION OF DOMESTIC GARAGE/STORE INTO DWELLING (RESUBMISSION OF WITHDRAWN APPLICATION 4/21/2010/0F1)
3.	Location:	SPOUT HOUSE, SANDWITH
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 Planning Policies: See report
7.	Report: Site and Location This application site refers to a storage building sited to the north of 7 Spout House, located within Sandwith. The building is formed from concrete blocks and rendered and received planning permission for construction in June 1995 (application reference 4/95/0276/0 relates). Relevant Planning Applications Garage, approved in June 1995 (application reference 4/95/0276/0 relates); Conversion and extension of garage/store to create a dwelling, withdrawn in April 2021 (application reference 4/21/2010/0F1 relates). Proposal This application seeks permission for the conversion of an existing outbuilding to form a single storey semi-detached dwelling. The proposed conversion will mainly be restricted to the existing structure,	

with the replacement of a door for a window on the east elevation, the blocking up of double doors on the west elevation and the enlargement of an existing door and addition of a further door on the north elevation. Furthermore, there will be two frost glazed skylights added to the roof on the west elevation.

The dwelling will be an L shape, with an overall length of 11m and a width of 9.2m. It will utilize the existing dual pitched roof with an overall height of 5m.

The proposal will incorporate a kitchen, living room two bedrooms and a bathroom. A small garden and driveway has been provided to the north of the building.

Access is taken from Main Street, Sandwith via an existing access lane to the north.

Consultation Responses

Whitehaven Town Council

No objections.

Cumbria Highways

No objections as there is unlikely to be a material effect on the existing highway conditions.

Local Lead Flood Authority

No objections as the proposal is unlikely to increase flood risk on site or elsewhere.

United Utilities

No response received.

Natural England

No comments.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to 8 no. properties. Two letters of support for the application were received.

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 ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place
Policy DM11 – Sustainable Development Standards
Policy DM12 – Standards of New Residential Developments
Policy DM15A – Conversion of Rural Buildings to Residential Use
Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (2021) (NPPF)
The Conservation of Habitats and Species Regulations 2017 (CHSR)

Emerging Copeland Local Plan (ELP)

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.

Policies relevant to this proposal within the emerging Local Plan are as follows:-

Policy DS1PU – Presumption in favour of Sustainable Development
Policy DS3PU – Settlement Hierarchy
Policy DS4PU – Settlement Boundaries
Policy DS6PU – Design and Development Standards
Policy DS8PU – Reducing Flood Risk
Policy H1PU – Improving the Housing Offer
Policy H13PU – Conversion and sub-division of buildings to residential uses including large HMOs
Policy H17PU – Conversion of Rural Buildings to Residential Use
Policy N1PU – Conserving and Enhancing Biodiversity and Geodiversity
Policy CO4PU – Sustainable Travel
Policy CO5PU – Transport Hierarchy
Policy CO7PU – Parking Standards and Electric Vehicle Charging Infrastructure

Assessment

Introduction

The application proposes the conversion of an outbuilding to residential use. The main issues to be considered are the principle of the conversion, access and parking and ecology. An application for the same development, with the addition of a small extension, has been previously submitted and withdrawn (application reference 4/21/2010/OF1 relates) due to likely refusal by the Council on a number of Policy issues.

This submission has been accompanied by the following information:

- Site Location Plan;
- Site Block and Layout Plan;
- Existing and Proposed Elevations and Floor Plans;
- A Bat, Owl and Breeding Birds Report;
- Planning Statement.

Principle of Development

Policy ST1 and ST2 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy.

Within Policy ST2, Sandwith does not feature within the settlement hierarchy due to its lack of services and the reliance on the private car for day to day living. It is therefore designated as open countryside.

Policy ST2 restricts development outside of defined settlement boundaries other than those which have a proven requirement for the rural location, including conversion of rural buildings to residential use. Proposals which involve the conversion of rural buildings must, however, comply with Policy DM15A, a criteria based policy designed to ensure that applicants demonstrate that the proposed conversion is the most suitable and sustainable option.

Each criterion of Policy DM15A is assessed below and considered against the submitted information from the Applicant.

Criterion A – no information has been received from the Applicant to demonstrate that alternative employment or a mixed use of live-work accommodation or community use is not viable. The NPPF no longer requires this test to be applied.

Criterion B – As the building is not currently or was last used for agriculture, there is no requirement to satisfy this aspect of the Policy.

Criterion C – The Applicant has not submitted a structural survey in order to evidence that the building is suitable for conversion. It is currently in use as a store/garage and would require few

alterations in order for the conversion to be undertaken. The proposed number of openings are not excessive and overall, the existing form and appearance would be retained. As there is no evidence to confirm that the building is structurally sound, the application must fail on this criterion.

Criterion D – Further information was requested from the Applicant’s Agent with regards to the history of the building in order to ascertain whether the building could be considered to be of traditional construction. The Agent stated that the building is *“approximately 120 years old, built from random sandstone and rubble infill with parging and lime wash internally and parging and whitewash externally”*. The Agent went on to explain that the use as an agricultural store had ceased around 35 years ago and that the building has been patched up in blockwork and render with the replacement of the roof in grey concrete tiles. This information contradicts the planning history held by the Council for the property, which shows a newly built garage in blockwork, render and concrete tiles in 1995 (application 4/95/0276/0 relates).

This part of the policy seeks to ensure that traditional rural buildings are retained due to their attractiveness, craftsmanship, historic interest and as a reminder of Copeland’s agricultural heritage. As the building was purpose built as a garage in 1995, it does not comply with this policy and any approval of this conversion could set a precedent whereby any building within the open countryside could be converted, thus encouraging unsustainable development.

On this basis, the garage cannot be considered to be of traditional construction and therefore fails to comply with Criterion D.

Criterion E – The building is located within Sandwith and forms an extension to a cluster of buildings known as Spout House. The proposal therefore complies with this part of the policy.

Criterion F – Access is taken from the main road running through Sandwith by a private road serving Spout House. It is considered that water and electricity services are available, due to the surrounding dwellings.

Criterion G – The scheme shows the provision of amenity space at the north of the building that is considered to be sufficient for the 2 bedroomed property. The proposal therefore complies with this criterion.

Criterion H – The proposal is for a single dwelling and is therefore relative to surrounding area.

Overall, the proposed dwelling is to be located within the open countryside where the provision of new dwellings under Policy ST2 is restricted to local needs or the conversion of traditional rural buildings. It sets out that the approval of a conversion within the countryside will be permitted, provided that all of the criteria within Policy DM15A of the Copeland Local Plan are satisfied. As detailed above, the proposal is at odds with criteria A, C and D and therefore, the principle of the development is deemed to be contrary to policy and therefore unacceptable.

Access and Parking

The proposed conversion will be accessed from Main Street, Sandwith, via a narrow access road between the dwellings known as The Nest and 1 Spout House. Cumbria Highways responded to a consultation request, raising no concerns with this access as they considered that there would not be a material change to the highway network.

Parking is to be provided to the north of the building on a driveway with separate access and egress. The Applicant is proposing a one-way system for parking that would allow vehicles to access and egress the driveway in a forward gear, however, visibility to the south would be poor due to the building being flush with the roadside. As the access road to the west of the building is narrow and unmade, it is likely that cars would not be travelling at speed, therefore although not ideal, the parking arrangement is likely to be acceptable in this location. The Highway Authority has raised no objections to the proposal.

Ecology

Policy ENV3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity. The building for conversion falls within the planning and development trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines. The survey for bats, barn owl and breeding birds submitted for this application was carried out in December 2020 and states that an emergence and activity survey has not been carried out due to the timing of the survey being outside the bats active season. The survey concludes that there is potential for bats to roost in areas difficult to access, but that there were no field signs to indicate the presence of barn owls, other birds or bats. The ecologist recommended that a bat emergence survey should be undertaken prior to the commencement of any works.

On this basis, it is considered that insufficient information has been provided to demonstrate that the development will not result in a detrimental impact upon bats, barn owls or breeding birds, which is considered to be contrary to the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

Conclusion and Planning Balance

The proposed development is considered to be contrary to Policy DM15A of the Copeland Local Plan 2013 – 2028. The application has been submitted with no consideration for alternative uses or structural survey to prove that the building is capable of conversion. The building is not of a traditional construction, having been erected in 1995 as a garage/store and therefore fails to comply with criteria A, C and D of Policy DM15A.

Furthermore, insufficient evidence has been submitted with the application to demonstrate that the development will not result in detrimental impact upon bats, barn owls or breeding birds contrary to the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

On balance, should the application be approved, it is likely to create a precedent for rural conversions of any buildings, therefore encouraging unsustainable development within the open countryside and increasing the reliance on private cars for day to day living.

	On this basis, the proposal should be refused as it is contrary to policies within the Copeland Local Plan 2013 – 2028, NPPF and emerging local plan.	
8.	Recommendation: Refuse	
9.	Reasons for refusal: 1) A structural survey has not been submitted to evidence that the building is structurally capable of conversion, as required by criterion C of Policy DM15A of the Copeland Local Plan 2013-2028. 2) The proposed building for conversion is not constructed from traditional materials as required by Policy ST2 and criterion D of Policy DM15A of the Copeland Local Plan 2013-2028. 3) Insufficient information has been provided to demonstrate that the development will not result in a detrimental impact upon bats, barn owls or breeding birds, contrary to the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028. Statement 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 Agent. However, in this case it has not been possible to arrive at a satisfactory resolution for the reasons set out in the reason for refusal.	
Case Officer: Sarah Papaleo		Date : 26/04/2022
Authorising Officer: N.J. Hayhurst		Date : 29/04/2022
Dedicated responses to:-		